UNITED
NATIONS

CRC

Convention on the
Rights of the Child

Distr.
GENERAL

CRC/C/65/Add.1
1 December 1997

ENGLISH
Original: SPANISH

COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Periodic reports of States parties due in 1997

Addendum

BOLIVIA

[12 August 1997]

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INTRODUCTION

1. The Convention on the Rights of the Child having been ratified in accordance with the procedures of the legislative power and promulgated by the executive power on 14 May 1990 by Law of the Republic No. 1152, the Bolivian State herewith officially and formally submits to the United Nations Committee on the Rights of the Child the second report on progress with the implementation of the Convention in Bolivia, in accordance with the terms of its article 44, both in a full version and in the form of an executive summary*, intended not only to facilitate the difficult task of the Committee but also to ensure the wide circulation of the report.

2. This second report is a joint production of the government officials responsible for questions of childhood and adolescence and leading representatives of the non-governmental organizations involved in the effort to make the rights of the child and adolescent a reality, since those rights will never be made effective unless the resources of the State, the community and the families are all committed and combined.

3. The Committee will appreciate the effort made to submit a national report which goes beyond the more limited vision of a government administration to give an objective account of the realities of the situation of Bolivian children and adolescents, the progress made in this latest period and, above all, the huge challenges which remain to be faced before the Convention on the Rights of the Child can become a genuine living reality.

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* This summary may be consulted in the Office of the United Nations High Commissioner for Human Rights.

I. BACKGROUND

A. Socio-economic context

4. According to the population and housing census taken in 1992, Bolivia has a population of 6,420,792, which means a density of 5.8 per sq. km. Some 58 per cent of Bolivians live in cities and 42 per cent in rural areas. It is estimated that by the year 2000 the country will have a total population of 8,329,000 1/, mainly concentrated in the cities.

5. These data show that Bolivia has one of the lowest population densities on the continent, whereas its rate of population growth of 2.1 per cent a year is among the five highest. Moreover, it is experiencing rapid urbanization as a consequence of mass migration from the countryside into the cities.

Table 1

Bolivia: basic economic indicators for 1996

Indicator	1996
Economic growth	4 per cent
Product per capita (1994)	US$ 770
Inflation rate	8 per cent
Public sector deficit	2.1 per cent
Wage growth	8 per cent
Average nominal exchange rate	5.09 = 1 dollar
Average interest rate (active)	18.87 per cent
Trade balance	- US$ 487.7 million
Traditional export growth	- 5.4 per cent
Non-traditional export growth	13.3 per cent
Ratio of external debt to GDP	61.4 per cent
Debt service/exports	23 per cent
Growth of public investment	4 per cent
Growth of private investment	31 per cent
Direct foreign investment	US$ 540 million

Source: Compiled from official data (National Statistical Institute (INE), Central Bank of Bolivia (BCB) and Social Policy Analysis Unit (UDAPSO)) and specialized studies (Muller & Asociados, Fundacion Milenio).

6. Since 1985, the economic situation has been stable. Inflation was 8.5 per cent in 1994, 12.6 per cent in 1995 and 8 per cent in 1996 and is expected to stay within the same range 2/ in 1997, i.e. the levels of inflation are among the lowest in Latin America. However, external imbalances generated by the balance of payments and the debt service and internal imbalances due to the

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1/ Ministry of Sustainable Development and the Environment, Population Policy Directorate, working document (unpublished).

2/ Muller & Asociados, Economic Evaluation 1996, and Fundacion Milenio, Economic Report 1996.

public sector deficit still persist. Moreover, per capita income remains low as compared with the regional average and for substantial sectors of the population the employment situation is precarious. The most important general national indicators are presented in Table 1.

7. The social statistics are somewhat less up-to-date; however, an approximation is given in Tables 2 and 3 below. Table 2 shows that although visible unemployment is low, underemployment, measured in terms of both reduced hours of work and low wages, amounts to more than 35 per cent of the labour force, i.e. from the standpoint of employment the main problem is the precariousness of jobs and incomes.

Table 2

Employment in Bolivia 1995

Indicator	Number	%
Economically active population (EAP)	1 304 048	100.0
Population in work	1 256 576	96.4
Adequately employed	605 630	48.2
Underemployment	443 009	35.3
Visible 1/	101 504	8.1
Invisible 2/	341 505	27.2
Special group 3/	183 644	14.6
Not known	24 293	1.9
Population out of work	47 472	3.6

1/ Employed for 1 to 39 hours per week.

2/ Employed for 8 or more hours per week but with incomes of Bs 418 or less.

3/ Domestic workers, family workers and unpaid apprentices.

Source: Vladimiro Chulver, Principal Employment Results, INE, July 1996.

8. Noteworthy among the indicators in Table 3 are those showing that a substantial proportion of the population is living below the poverty line. The different behaviour of these indicators reflects the fact that the rural areas and the departments of the western region of the country, especially the rural areas of Potosi and Chuquisaca, are more depressed, with the women and children feeling the main effects.

Table 3

Some poverty and demographic indicators

Indicator	
Urban households below the poverty line 1994	41 per cent
Poor rural households 1992	94 per cent
Poor households nationally 1992	70 per cent
Global fertility rate 1994	4.8 chldrn/woman
Life expectancy at birth 1994	61 years
Illiteracy rate 1992	20 per cent
Spanish-speaking population 1992	87 per cent
Quechua-speaking population 1992	34 per cent
Aymara-speaking population 1992	23 per cent
EAP in agriculture 1992	44 per cent

Source: Compiled from official data (INE, UDAPSO, 1994 Demography and Health Survey (ENDSA)).

9. Table 4 shows that the age group between 0 and 18 years, i.e. children and adolescents, represents 49.8 per cent of the total, so that Bolivia has an essentially youthful population structure. When it is also considered that, due to migration, within 15 years there will be 2,160,000 young people aged between 15 and 29 living in the cities and only 692,000 in the rural areas 3/, it is clear that in the coming years there will be increasing pressure on services and employment.

Table 4

Population according to age group, gender and geographical area

(1992 census)

Age	Total	%	Men	%	Women	%	Urban	%	Rural	%
Total	6 422 792	100	3 072 266	47.8	3 349 527	52.1	3 694 846	57.5	2 728 946	42.5
0 - 14	2 344 138	36.5	1 190 351	50.8	1 153 845	49.2	1 267 761	54.1	1 076 417	45.9
15 - 19	854 473	13.3	426 258	49.9	428 434	50.1	529 670	62.0	324 793	38.0
20 - 24	663 475	10.3	321 304	48.4	342 171	51.6	431 372	65.0	232 193	35.0
60 or more	410 156	6.4	193 712	47.2	222 308	54.2	134 561	32.8	275 595	67.2
Group total	4 272 242	66.5	2 131 625	49.9	2 140 617	50.1	2 363 364	55.3	1 908 878	44.7

Source: Under-Secretariat of Generational Affairs (SSAG), based on 1992 census.

10. To sum up, it may be said that since 1990 the macroeconomic context has generally been more favourable as far as improvements in the living conditions and development of children are concerned, due mainly to the stability, low

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3/ Latin American Demographic Centre (CELADE), America Latina. Proyecciones de Poblacion Urbana y Rural 1970-2025, Boletin Demografico, Santiago de Chile, July 1995.

inflation and gradual recovery of growth achieved following the implementation of the structural adjustment programme.

11. These macroeconomic trends have made possible an appreciable increase in public investment and, in particular, social investment. In their turn, the so-called second-generation reforms - mainly capitalization - have led to an increase in foreign investment.

12. Despite this, poverty has declined only very slightly during the present decade and continues to have a very specific effect on the rural areas and certain groups and regions, mainly in the Department of Potosi. This shows that regional, social and ethnic inequalities persist, despite the redistributive effects of administrative decentralization and popular participation which, however, are expected to produce more significant results in the longer term.

13. Thus, poverty appears to be a consequence of the unreliability of household incomes and the fact that most Bolivians still have only limited access to social and basic services. Within this context, as shown by Table 5, the living conditions of a large proportion of Bolivian children are being seriously impaired and their fundamental rights denied or infringed.

Table 5

Children in difficult circumstances

Circumstances	Total
Maltreated	1 000 000
Poor peasant families	811 896
Working	495 032
Disabled	65 000
Institutionalized	8 000
Street children	1 500
Children with parents in prison	371

Source: SSAG

14. These data are relative inasmuch as, on the one hand, the categories are not exclusive while, on the other, there is a certain amount of social differentiation in the poor areas and not all those who live there are necessarily living in extreme poverty.

B. Standard of living

15. The standard of living in Bolivia can still be described as precarious, since although the relative incidence of poverty has been declining, in absolute terms its incidence has increased. In fact, according to UDAPSO, between 1976 and 1992 poverty declined from 83 per cent to 70 per cent of the country's households (down from 65 per cent to 41 per cent at the urban level and from 97 per cent to 94 per cent at the rural level), but in numerical terms 923,530 households were affected in 1992 as compared with 866,629 in 1976.

Subsequent data from UDAPSO, relating to 1994, indicate a more substantial reduction in poverty since as a result of price stability, higher real incomes and less visible unemployment only 41 per cent of the urban population was affected.

16. There are no up-to-date data on rural poverty trends, but despite the efforts made to improve the infrastructure (water, sanitation, schools, health care) progress is unlikely to have been particularly impressive insofar as the basic problem of the rural population, namely inadequate income generation, remains unsolved.

17. The inadequacy of rural incomes is attributable to the exhaustion of the 1952 round of agrarian reforms which gave land to all peasants and *comunarios*. After 40 years, the land has been subdivided to the limit, under a smallholding and plot system which excludes any possibility of achieving economies of scale, reduces productivity and drives young people into the cities.

18. Recently, the Government adopted the INRA Act as a first step towards the establishment of a legal basis for the reorganization of the use of agricultural land and drew up a Strategy for the Productive Transformation of Agriculture (ETPA), but these instruments are still only reference legislation and strategies in the process of being given a structure.

19. Precisely because of these living conditions, official development assistance per capita in Bolivia is the highest in the region, namely US$ 64.40 as compared with US$ 33 in Paraguay, US$ 27 in Peru, US$ 9 in Chile, US$ 8 in Argentina and US$ 1 in Brazil.

C. Global policies

20. At the macroeconomic level, since 1985 Bolivia has converted from the model established by the revolution of 1952, characterized by a considerable degree of State intervention in the economy and production, to a free market model governed by free labour recruitment and free market pricing.

21. In its turn, since 1993 the Government has introduced a series of so-called second-generation reforms designed to achieve economic and social development, modernize the country and correct regional inequalities. These are:

(a) The Educational Reform Act designed to make education more effective by stressing training for work, to promote interculturalism and to generalize bilingual education with a view to facilitating the teaching and learning process in the indigenous communities and villages. This was the first of the reforms initiated by the State and its implementation is well advanced though being impeded by the strong opposition of the teachers' union and management problems;

(b) The Popular Participation Act of 29 April 1994 decentralizing the country at the level of the 311 municipalities and making them responsible for urban and rural development within their areas, as well as for the education, health, irrigation and local road infrastructure. To make this possible, the percentage of revenue sharing resources earmarked for the municipalities was raised from 10 per cent to 20 per cent and the traditional basis of

distribution, which allocated resources to each municipality according to its collection capacity, was replaced by a method under which resources are shared out according to the number of inhabitants. As a result, between 1993 and 1994 the municipal share increased by 62 per cent, the share of 8 intermediate cities by 427 per cent and that of 294 small municipalities (most of them rural) by 1,154 per cent 4/. This revenue redistribution mechanism seeks to reduce regional inequalities by modifying the pattern of concentration of resources in the central corridor and the main cities. Whereas in 1993 the cities of La Paz, Cochabamba and Santa Cruz received 91 per cent of the resources and the rest of the country only 9 per cent, in 1996 these three cities received 68 per cent and the rest of the country 32 per cent. Thus, new social partners have emerged to participate in the various programmes, projects and measures. They, in their turn, have organized watchdog committees which represent 12,000 rural communities and 5,000 urban local councils. However, these committees are having difficulty in setting themselves up and particularly in operating;

(c) The Administrative Decentralization Act which transferred responsibility for and management of the resources of each of the nine departments to the Prefecture whose principal authority is appointed by the President of the Republic and overseen by a council selected by the municipal councillors. As a consequence of this and the Popular Participation Act, the central administration now controls only 25 per cent of public expenditure. For their part, the prefectures have begun an apprenticeship in the regional management of programmes and projects and this has sometimes affected their efficiency, effectiveness and continuity, especially in the case of social programmes;

(d) The Capitalization Act which transfers the country's main State enterprises to private administration while retaining 50 per cent of the ownership in shares belonging to all citizens over 21 years of age to whom the dividends will be distributed when they reach 65, as a form of old age insurance. As a result of this act, US$ 1.67 billion in foreign investment has been committed and in 1997 dividends equivalent to US$ 220 were distributed to just over 280,000 people over the age of 65;

(e) The reform of the public health system which aims to bring the supply of health services into line with the organized demand of the grassroots organizations and to convert the health centre and primary care into cornerstones of the system. This programme is only just in the process of being implemented;

(f) National Mother and Child Insurance, established on 1 July 1996, under which the public hospitals and health centres provide free care for all expectant mothers throughout pregnancy, during childbirth and in the post-natal period and free treatment for diarrhoeal and respiratory ailments for all children from gestation up to five years of age;

(g) The reform of the executive power, the very first of the second-generation reforms, intended to facilitate the entire system of reforms and base

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4/ Ministry of Human Development, National Popular Participation Secretariat (SNPP), Bolivia: La Participacion Popular en Cifras, La Paz, 1996

the management of the State on three main interdependent pillars: human development, economic development and sustainable development. Despite the promise of its conceptual basis, it has not been possible to put this reform properly into effect and in many cases it has resulted in confusion, duplication, dispersal of effort and sectoral disarticulation.

D. Working procedure

22. By Ministerial Resolution 080 of 3 June 1997 it was decided to form an Interinstitutional Commission for Childhood and Adolescence chaired by the Under-Secretary for Generational Affairs (SSAG), to promote the implementation of the Convention on the Rights of the Child. In pursuance of this Resolution, but also in continuation of a line of work begun in 1993, the SSAG invited a group of public and private institutions to discuss the procedure for preparing this report. The institutions which were invited and formed the Commission were:

(a) For the State:

Under-Secretary of Generational Affairs, representing the National Secretariat of Ethnic, Gender and Generational Affairs;

A representative of the National Health Secretariat;

A representative of the National Education Secretariat;

A representative of the National Popular Participation Secretariat;

A representative of the National Social Service Secretariat;

A representative of the Social Policy Analysis Unit (UDAPSO);

(b) For the non-governmental sector:

Three representatives of the National Coordinating Office for Work with Children and Adolescents;

A representative of Defence for Children International (DCI);

Two representatives of the Bolivian episcopacy.

23. The Commission met regularly to direct the work and receive progress reports. Finally, a national meeting of 20 representatives of 20 of the country's municipalities and an equal number of representatives of the non-governmental organizations (NGOs) involved in working with children was held to approve the final draft.

II. BOLIVIA AND THE CONVENTION ON THE RIGHTS OF THE CHILD

A. National policies

24. At the World Summit for Children held in New York on 30 September 1990, Bolivia, together with 150 participating countries, made the commitment to children and subsequently adopted the Plan of Action for Implementing the World Declaration on the Survival, Protection and Development of Children in the 1990s.

25. Domestically, in 1991, the adoption of Supreme Decree 22904 marked the introduction of the Bolivian Social Strategy whose purpose is to combat poverty while giving priority to three groups: the peasants of the traditional agricultural sector, the informal urban sector and persons at risk (women and children).

26. The Ten-Year Plan of Action for Women and Children, introduced in 1992, is another policy instrument by means of which the country is seeking to ensure access to basic services for women and children, to provide for the protection and development of children and to encourage the State, the NGOs and the cooperation agencies to give priority to them in their work. This plan adapted the seven main goals of the World Summit to national needs, formulating them as follows:

(a) Reduction of infant and under-5 mortality to 50 and 70 per 1,000 live births, respectively;

(b) Reduction of regional differences in infant and under-5 mortality to less than 20 per cent between regions;

(c) Reduction of severe and moderate undernourishment to less than 7 per cent;

(d) Expansion of access to drinking water services to 80 per cent in the cities and 60 per cent in rural areas, expansion of access to sewerage services to 55 per cent in the cities and 50 per cent in rural areas and expansion of access to means of solid waste disposal to 95 per cent;

(e) Provision of 70 per cent coverage with respect to development activities for infants and children under 5 at risk and 60 per cent coverage with respect to initial schooling;

(f) Access to and completion of primary basic education for 82 per cent of school age children. Reduction of illiteracy rate to zero;

(g) Definition of policies and prioritization of care for children in especially difficult circumstances (CEDC).

27. In 1994, Bolivia instituted a Human Development Strategy which makes the individual the subject and object of development and promotes his or her

organized participation in the design, implementation and evaluation of social and economic development policies and measures 5/.

28. Education policy aims to provide multiple educational opportunities and forms of training for children, young people and adult men and women from various regions and cultures with community participation. The educational reforms are intended to address all the existing problem areas in accordance with a four-pronged approach 6/:

(a) Curricular organization, which defines the contents of the various areas (formal and informal) and modes of learning (regular or special integrated, monolingual or bilingual, one or several teachers, classroom or distance learning);

(b) Technico-pedagogical services and administration of resources, designed to ensure that the system functions properly through the provision of technical support and resources;

(c) Curricular administration, which determines the levels of responsibility in the administration of the curriculum, the role of the State and the teaching establishment;

(d) Popular participation, to improve the coverage and quality of the services on the basis of organized public demand (decision-making village, district and subdistrict committees and consultative local, departmental and indigenous peoples' councils).

29. The main pillars of the new system are interculturalism, expressed in the revaluation of ethnic cultures and languages, and participation designed to introduce social control and to democratize the management of education 7/. In compliance with the Administrative Decentralization and Popular Participation Acts, the education system has been organized on three levels 8/:

(a) the central level, consisting of the National Education Secretariat under the Ministry of Human Development, which is responsible for rules and regulations, policies and teaching staff administration;

(b) the departmental level, represented by the prefectures, which is responsible - through the departmental education directorates - for the administration and development of the system in each department. The prefectures

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5/ Ministry of Human Development-UNICEF, El progreso de Bolivia hacia las metas de la Cumbre Mundial en favor de la Infancia. Evaluacion de medio termino, June 1995.

6/ Beatriz Cajias, La educacion Boliviana ante el desafio de la Reforma, in: Informe Social 2, Edicion ILDIS-CEDLA, La Paz, 1995.

7/ Ibid.

8/ National Secretariat of Education, Organizacion del Sistema Educativo en Nucleos y Redes, La Paz, 1996.

finance the human resource expenditures of the departmental offices and may invest in the sector using their own resources;

(c) the local level, corresponding to the municipality with its education district, which is responsible for school administration (school building, extensions, repairs and running costs). Each district may have one or more "nuclei" each comprising a number of schools. The nucleus serves to integrate the network of educational units, thereby improving its quality and influencing the environment in support of local or neighbourhood development. The basis of the system is the education unit, in which the school committee should play a central role as the first level of community participation.

30. Although these education policies will continue to be applied for the next 20 years and their impact will be long-term, it is clear that serious difficulties have been and are still being experienced in putting them into effect. This is due to a combination of factors, the most important of which is the opposition of the teaching staff.

31. The opposition of the teachers' union is particularly significant because under the new education proposals the teacher will play a central role by acting as mediator between the child and the learning process, initiating pre-learning activities, modifying the materials and techniques to suit the child and the environment, organizing student work groups, monitoring the progress of the group and each individual child, communicating and democratizing intercultural relations 9/.

32. The teachers are opposed partly for political and corporate reasons, since they object to losing certain forms of co-determination, but mainly they are resisting professionalization which would eliminate the automatic incorporation of graduates into the teaching profession irrespective of their qualifications. However, their opposition is also attributable to the poor wages which have made teaching one of the least esteemed professions in Bolivia.

33. Health policy is based on the new national system consisting of a group of public and private entities under the supervision of the National Health Secretariat, namely the public system, social security, profit-making and non-profit entities, religious bodies and traditional medicine.

34. This system has recently been brought into conformity with the Popular Participation and Decentralization Acts through Supreme Decree 24237 which introduced the decentralized and participatory public health system (SPS). This is intended to ensure fairness, quality and efficiency in the provision of services, as well as public solidarity and universality of access and coverage. There are three levels of management:

(a) the national level, represented by the national secretariat whose function is to regulate and manage the SPS, as well as to oversee and evaluate the application of policies and to define programme and operational priorities;

9/ Marlene Berrios Gosalvez, Quien le teme a la Reforma Educative? Edicion CEDOIN, La Paz, 1995.

(b) the prefectural level, represented by the Departmental Health Directorate (DIDES), which is responsible to the Departmental Secretariat of Human Development. Its function is to apply national policies, strategies, plans and programmes and special projects. It is required to create networks of services accessible to the public by establishing first and second levels of complexity in one or more municipal districts. To this end, it will create in each department the number of Sectoral Management Units (UGES) necessary to manage the networks. The UGES is a technical body which, in addition to supporting programme development, supervises and generates support systems and subsystems. It is also responsible for the standard of service, which includes both the provision of the service and the actual promotion of health in an area, with the active participation of the community;

(c) the municipal level relies on the Local Health Directorates (DILOS) which share the management function with representatives of the mayor, the prefecture (generally the DIDES) and the organized community. The DILOS are essentially operational and carry out the participatory planning necessary to match the public demand with the programmed supply.

35. The provision of services is organized at three levels of care, each also involving health promotion, prevention, information, communication and education activities:

(a) the first level is required to deal with problems of self-care, out-patient treatment and transit care. The health post, the surgery and the health centre with transit and general hospital beds are all at this level;

(b) the second level comprises more complicated out-patient treatment and hospital care in the four basic categories: gynaeco-obstetrics, paediatrics, internal medicine and general surgery. This is the level of the basic support hospital;

(c) the third level includes treatment calling for greater resources and more complicated out-patient examinations and hospital care in specialties and subspecialties.

36. This network of services is based on the health centre which is responsible for the provision of services for all those within its catchment area, participatory planning in conjunction with the local committees, peasant communities and indigenous peoples, operational programming on the basis of the priorities established by the health care model and participatory planning, and programming of the requirements for human resources, medical supplies, food, basic services and maintenance.

37. The hospitals supporting the health centres provide services to the population in question through the health centres in their network, undertake operational programming on the basis of the priorities set by the health care model, and programme requirements for human resources, medical supplies, food, basic services and maintenance.

38. Finally, the referral and back-referral subsystem must ensure coordination and intercommunication between services within the same network and between networks, in order to smooth the flow of patients.

39. This reorientation of health policy is still in its very early stages and is facing considerable difficulties mainly relating to the persistence of private administration practices in the hospitals and the tradition of regarding the hospital as the main component of the system rather than the health centre.

40. Thus, the quality of the services provided is still very low as far as care for the needy is concerned and this applies particularly to children and adolescents.

41. The Strategic Action and Human Development Programme (PAE-Social) was approved in 1996 with a view to improving the management of the previous social policies through the coordinated and efficient allocation of resources. The Government organized the programme which coordinates government aid in 10 programme areas and is being converted into a cofinancing instrument linking municipal governments, central government, the prefectures and the development funds. PAE-Social is based on the principles of integral development and intersectoral action, priority for vulnerable groups, efficiency for fairness and shared management. Its target areas are:

(a) Health. Integral care for women, children under 5, adolescents and the old; monitoring and control of vector-borne and contagious-infectious diseases; consolidation of the new health model and institutional strengthening of the sector;

(b) Education. Implementation of educational reform under the programmes to improve and transform the national education system with priority for the primary level; strengthening of community participation in educational management. In alternative education it is proposed to focus on early stimulation for children under 5, technical training, coverage for groups with special needs and development of continuing socio-educational processes in every phase of life;

(c) Popular participation. Training in planning, management and productive support for municipal governments; strengthening of the watchdog committees, local councils, peasant communities and indigenous peoples; promotion of and support for the districtization of the municipalities and institutionalization of a national housing policy;

(d) Drinking water and sanitation. Construction, extension and repair of water supply and basic sanitation systems, together with training for managers and users to ensure the sustainability of the services;

(e) Special protection for children. Establishment of a modern legal framework for the comprehensive protection of children and adolescents; implementation of the National Plan against the Maltreatment of Children and provision of services for street children and workers;

(f) Elimination of gender discrimination. Preparation of the National Plan for the Prevention, Punishment and Eradication of Violence; promotion of greater fairness and social and political representation for women; elimination of discrimination against women at work and unequal pay for women and strengthening of their productive role;

(g) Indigenous peoples and interculturalism. Promotion of the legal recognition and rights of the indigenous peoples to enable them to participate in public life, with guarantees of access to productive resources such as land and implementation of an intercultural and bilingual education system;

(h) Social and community services. Strengthening of the National System of Institutional Accreditation of the Social Service (SINAISS) and interinstitutional coordination of the social services;

(i) Sport. Support for the promotion and popularization of the practice of sports as a preventive measure, together with the optimization of the necessary infrastructure;

(j) Culture. Preservation and dissemination of popular culture and the protection, upgrading and maintenance of the country's cultural heritage.

42. Finally, between 1996 and 1997, the Bolivian Government sponsored the organization of a technical committee for the promotion of youth policies composed of representatives of the sectors, the NGOs and the youth organizations. This committee set itself the following tasks: the preparation of a diagnostic study of Bolivian youth 10/, the drafting of youth policy guidelines 11/, and a short campaign to counteract the stigmatization of youth.

B. Harmonization of domestic legislation

43. On 18 December 1992 a new Juvenile Code was promulgated. This constituted an important qualitative advance since it was based on the postulates of the Convention while adapting its principles to the new concept of comprehensive protection. At the same time, it retained some of the negative features of the so-called "doctrine of the irregular situation", such as being directed at "juveniles", maintaining the "situation of social risk", not establishing fundamental guarantees for those immune from prosecution where an offence has been committed, and having these cases heard by an administrative body which, while being both judge and party, judges and applies measures that include deprivation of liberty. Moreover, the Code is being converted into an imperfect law completely lacking in coercive mechanisms capable of ensuring enforcement and compliance.

44. This, together with the legal amendments repealing provisions of the Code made in the last four years, resulted in the formation, as early as 1994, of an interinstitutional commission consisting of representatives of parliament,

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10/ Jose Baldivia, Diagnostico de la Juventud Boliviana. Office of the First Lady, Under-Secretariat of Generational Affairs, Pathfinder-Focus, La Paz, 1997.

11/ Ibid.

government and non-governmental organizations 12/ who joined forces to prepare a draft amendment called the "Children and Adolescents Code" fully consistent with the principles of the Convention. However, despite the fact that this document underwent a nationwide process of analysis, consultation and improvement it was not possible to obtain its inclusion in the parliamentary agenda in the term which ended last May. It is hoped that the next government and parliament will grant the priority requested for its passage and subsequent promulgation.

45. A second law consistent with the postulates of the Convention is that which extends the powers of the municipalities to the advancement, protection and defence of children and adolescents within their jurisdiction and establishes technical bodies known as Offices for the Defence of Children and Adolescents to ensure these rights are respected 13/.

46. The period covered by this report has also witnessed the promulgation of other legislation which, though of general application, has indirectly benefited children, for example:

(a) the law against family or domestic violence aimed at eradicating violence against women within the context of the family, which also provides protection for children;

(b) the Sworn Surety Act which seeks to correct irregularities in the administration of justice, mainly in the observance of procedural time limits, and which expressly establishes measures on behalf of criminally responsible adolescents aged 16 to 18 deprived of their liberty;

(c) the Educational Reform Act which, as its title implies, establishes the purposes, principles and objectives of Bolivian education;

(d) the Civil Procedural Expedition and Family Assistance Act which seeks to reduce procedural delays in these cases;

(e) the law amending the Penal Code which abolishes the minimum period of incapacity in establishing the seriousness of injuries (formerly 8 to 30 days of incapacity constituted a light injury, now an injury is light if the period of incapacity extends from 0 to 29 days).

12/ Chaired by the Vice-Presidency and composed of representatives of the Juvenile Commissions of the Chamber of Deputies and the Senate, the Ministry of Justice, the Under-Secretariat of Generational Affairs, and the National Organization for Children, Women and the Family and, for the non-governmental sector, the Coordinating Office for Work with Children and Adolescents and Defence for Children International.

13/ Law No. 1702 of 26 July 1996.

C. Legal status of the Convention

47. The Convention on the Rights of the Child was ratified in accordance with legislative procedure and promulgated by the executive power on 14 May 1990 as Law No. 1152.

48. It should be pointed out that in the Bolivian legal system there is no provision determining the legal status of international documents ratified by the State. The Convention, having been promulgated "that it may be regarded and obeyed as a law of the Republic", acquired that status of a law and therefore its application and enforcement should be mandatory, although this is not the case in the everyday practice of the courts and administrative, political and social bodies where it is either disregarded or unknown.

III. PROGRESS WITH THE NATIONAL PLAN OF ACTION ON THE RIGHTS OF THE CHILD

49. The Ten-Year Plan of Action for Women and Children has been incorporated into the framework of the Human Development Strategy and the operational mechanisms for organizing the State contribution under PAE-Social, so as to ensure the integration of this specific child care plan into social policy and development measures in general. However, it has not always been possible to achieve the sectoral articulation of the Plan and, in particular, to make it operational due to the confusion created by the changes in the organization of the administrative apparatus of the State, and in many cases the various sectors have gone on working in even greater isolation than before.

50. In 1995, Bolivia's progress towards the goals of the World Summit for Children was assessed in a document which summarized the main advances and the limitations of the country's approach to these goals. This assessment, organized by the Ministry of Human Development (MHD) and UNICEF, made it possible to pinpoint and bring into focus not only the areas of progress but also the disparities between urban and rural areas, between the sexes and between ethnic and language groups. After updating, wherever possible, this assessment was used as the basis for the preparation of the present report.

A. Infant mortality

51. In Bolivia, the infant mortality rate is one of the principal health problems and solving it has been one of the central objectives of government policies on behalf of children. Table 6 illustrates the trend up to 1994.

Table 6

Infant mortality trends

Indicator	1976	1990	1992	1994
Infant (per 1000 live births)	151	78	75	68
Under 5s (per 1000 live births)		120		108

Source: 1976 and 1992 censuses. Health and Demographic Survey (ENDSA), 1988 and 1994.

52. The progress achieved is not attributable solely to the action taken in the health sector but is the result of a combination of efforts in this and other fields, such as drinking water supplies, sanitation and education. However, among the health measures, a particularly important part has been played by oral rehydration therapy (ORT) since there is evidence of changes in the structure of child mortality: in 1989, diarrhoea was the cause of death in 36 per cent of cases while in 1994 its direct incidence had been reduced to 20 per cent 14/. In fact, during this period the use of salts increased by 25 per cent.

53. Despite this overall progress, regional differences continue to be acute and, in general, in rural areas the mortality rates are still extremely high. At departmental level, Potosi and Chuquisaca have the highest rates with 123 and 105 per 1,000, respectively, while Santa Cruz with 36 per 1,000 lies at the other end of the range, i.e. there is a more than threefold difference between the highest and the lowest regional rates.

54. The infant mortality rates for the rural areas are even higher, being 141 per 1000 live births in Potosi and 123 in Chuquisaca. For the rural areas of the Department of La Paz itself the mortality rate is 95 per 1000.

55. In this connection, it should be pointed out that, contrary to the aims of the Plan of Action, the regional and urban-rural disparities have not only not declined but actually increased.

56. According to the Demographic and Health Survey, in 1994 the main causes of death in the cases of 28,000 under 5s were: diarrhoeal illnesses 36 per cent, acute respiratory infections 20 per cent, perinatal troubles 16 per cent, immunopreventible diseases 3 per cent and others 25 per cent, i.e. the causes of death were generally "mild" and could have been combatted at little expense.

57. As the rate of decline achieved made it unlikely that the target set by the Plan, namely a mortality rate of 50 per 1000 by the year 2000, would be reached, in July 1996 the Bolivian Government introduced Mother and Child Insurance which provides for maternity medical care during pregnancy, childbirth and puerperium and obstetric emergencies and care for the under 5s, including assistance for the newborn, and treatment of acute diarrhoeal illnesses and respiratory infections. In one year of operation, this insurance has provided for care in 377,290 infantile cases of diarrhoeal illness and respiratory infection, establishing a basis for the more effective reduction of mortality due to mild causes.

B. Undernourishment

58. This has traditionally been and continues to be another of the problems affecting children's health and quality of life. The trend is shown in Table 7.

14/ Ministry of Human Development-UNICEF. El Progreso de Bolivia. Hacia las Metas de la Cumbre Mundial en favor de la Infancia, La Paz, 1995.

Table 7

Three-year-olds with malnutrition

(% prevalence)

Indicator	1989	1994
Chronic undernourishment, moderate and severe (height for age)	38	28
Acute undernourishment, moderate and severe (weight for height)	1.6	4.4
Total undernourishment, moderate and severe (weight for age)	13	16

Source: ENDSA 89 and ENDSA 94.

59. The main indicator (height-age) reveals a positive long-term trend, since between one ENDSA and the other there was a decline of 25 per cent, although the percentage figure of 28 per cent still corresponds to 300,000 children 15/. This trend is due to the same factors as made possible the reduction in infantile mortality, together with immunization and the more frequent examination of children. Given the steady evolution of these factors and the impact of mother and child insurance, it is possible that the undernourishment indicator will continue to fall until it approaches the target.

60. On the other hand, the weight-height indicator, although it applies to a smaller percentage of the population, reflects an adverse trend (from 1.6 per cent to 4.4 per cent), probably as a result of inadequate diet, unreliable incomes and worsening poverty in regions where existence is already hand to mouth.

61. Finally, the weight-age indicator also reflects an adverse trend (from 13 per cent to 16 per cent) as a consequence of inadequate diet, inadequate child care and, especially, the replacement of breast-feeding.

62. One of the most important recent (June 1997) nutritional measures is the agreement concluded between the government and the country's millers for the incorporation of iron and iodine in flour as a means of combatting anaemia. Similarly, there has been an 80 per cent increase in iodized salt and a 60 per cent increase in vitamin A supplement.

63. However, it is clear that the promotion of breast-feeding has been neglected and multisectoral action has not been focused sufficiently intensely on the poorer areas, especially as far as conditions of productivity and incomes are concerned. Likewise, there has been little progress in developing educational measures to improve the nutritional intake of children and the population at large.

15/ Ibid.

C. Maternal mortality

64. In Bolivia, the risk of dying in pregnancy is 80 times greater than in the countries of Europe and North America. There are many reasons for this: state of health and nutrition, age and fertility, education, care and attention in the home and the accessibility, quality, resources and use of the health services, including family planning. As Table 8 shows, progress in dealing with this problem is too slow.

Table 8

Maternal mortality (%)

Indicator	1989	1994	Target 2000
Mortality per 1000 live births	401	376	200
In-service delivery	38	42	70
Delivery by trained personnel	43	47	85
First prenatal examination	47	53	80
Use of modern contraceptives	12	18	30

Source: MHD-UNICEF, El Progeso de Bolivia.

65. Some 62 per cent of maternal deaths occur during pregnancy, 23 per cent during childbirth and 15 per cent during the post-natal period. The principal direct causes in order of importance are: abortion, post-natal haemorrhage, eclampsia, puerperal infection and obstructed delivery. All these problems almost always arise in the home 16/.

66. Within a year of national mother and child insurance having been introduced, 378,665 maternity cases were cared for (prenatal care, childbirth, puerperium and obstetrics) so that there are new possibilities of reducing maternal mortality. So far, however, most of the resources for financing the programme have come from the central government and the frail social security system, since the municipalities have generally failed to provide their contributions.

D. Water and sanitation

67. Table 9 shows the progress made with the provision of water and sanitary services. In the case of the rural areas this has been considerable since coverage doubled both in the period between censuses and again in the first five years of the nineties.

16/ ENDSA 1994.

Table 9

Provision of water and sanitation services (%)

Service	1976	1992	1995
Drinking water			
Urban	84	81	88
Rural	9	19	42
National	39	54	69
Sanitation			
Urban	47	63	76
Rural	4	17	39
National	22	43	61

Source: Compiled from data obtained from Census 92 and the Basic Sanitation Directorate.

68. The greatest progress was made after 1986, since the efforts to provide for the rural population began with the Emergency Social Fund (FSE) and continued with the Social Investment Fund (FIS). The intention to take care of the rural areas and reduce internal disparities is clear since between 1976 and 1992 drinking water coverage in the urban areas declined due to the mass migration into the cities from the countryside which began in 1984.

69. Despite the efforts made, the percentage coverage of these services in the rural areas is still only half of that in the cities, which shows just how far the rural areas were lagging behind. In any event, there is a possibility of achieving the goals of the Plan of Action for Women and Children at the urban level and probably in the rural areas as well.

70. The State water and sanitation sector has been reorganized into the National Water and Basic Sanitation Directorate (DINASBA) and the problem of institutional dispersal has been overcome. The national plan in course of implementation comprises six main programmes:

(a) Water and sanitation. Implementation and follow-up of the National Basic Sanitation Plan, which so far has developed a physical and financial monitoring system and an information system;

(b) Rural Basic Sanitation Programme (PROSABAR), which will provide preinvestment and investment for 480 drinking water and sanitation projects by 1998. The 480 projects are currently in the preparatory phase;

(c) Rural Water and Sewerage Preinvestment Programme (PRORPAAL), which seeks to have 100 projects at the final design level. At the moment, these projects are in the final phase of preparation;

(d) the Institutional Strengthening Support Programme of DINASBA and the departmental sanitation units whose objectives are to draw up a system of regulations, train human resources and equip the institution. The institution is

now equipped and good progress has been made with the drafting of the regulations;

(e) the underground water development study, the aim of which is to draw up a master plan. Progress so far consists in having established a geographical information and planning system;

(f) water and sanitation in connection with the PROANDES project. So far, 800 drinking water systems and 300 sanitation modules have been built and the hygiene of the project population has been improved.

71. All the water and sanitation programmes are being carried out under the Popular Participation Act within the context of municipal participatory planning and between 1989 and 1994 represented an investment of US$ 211 million.

E. Education

72. The educational reforms first introduced in 1993 will be developed in the course of 20 years of transformation of the structure of the system and 7 years of improvement in equipment and infrastructure and strengthening of multigrade and bilingual schools. Both these objectives will be pursued through national education system transformation and improvement programmes. It is intended that after 20 years the following targets will have been achieved:

(a) full coverage of the various levels and categories of the school-age population;

(b) socially, culturally and linguistically relevant quality of education and regular updating of the curriculum;

(c) fairness achieved by providing equal opportunities for access and ensuring equality between public and private education, between the rural areas and the cities and between the Spanish-speaking and indigenous language-speaking populations;

(d) efficient use of human, material and financial resources.

73. Educational reform produced a number of concrete results in the areas of administration and the curriculum during 1996 and the first four months of 1997. The administrative changes included the restructuring of the National Education Secretariat (NES) and the departmental and district directorates. As far as the curriculum is concerned, the main advances were the formation of 851 education nuclei in the country's 311 municipalities, the organization of 270 education districts and the appointment of 716 educational advisers.

74. During the same period, with the support of popular participation, 450 nuclear committees, 11,081 school committees and 29 district committees were established. In addition, in 1997 five Local Education Directorates (DILES) were set up in the Department of Chuquisaca.

75. As regards teaching materials, in 1996 a total of 5,155,000 books were supplied to school classroom libraries and this year another 500,000 were distributed, for the benefit of the 2,032,000 students enrolled in 1997.

76. Curricular reform was pursued by drawing up study programmes for primary education which consists of three stages: three years of basic learning, three years of essential studies and two years of applied studies.

77. As regards longer-term indicators, there is a lack of reliable systematized information which should be made good by the statistical information and educational quality measurement systems currently being introduced. However, certain data are presented below.

78. The coverage of pre-school education is illustrated by the figures reproduced in Table 10. Access is much easier in urban than in rural areas and the levels of growth are fairly low and, in any event, far off target.

Table 10

Coverage of pre-school education by gender (%)

	1993	1994	1995 (*)
Male Female	22.5 22.6	25.3 25.3	29.7 29.6
TOTAL	22.5	25.3	29.6

Source: NES.

(*) Preliminary.

79. The data by cycles are confusing because of the structural changes introduced by educational reform. Accordingly, Table 11 shows the trend in total school coverage by gender for the population between 6 and 19 years of age.

Table 11

Total school coverage by gender (%)

	1992	1993	1994	1995
Male Female	76 71	80 75	88 83	92 88
TOTAL	74	78	85	90

Source: 1992 census and NES.

80. Previous estimates suggest that at the urban level coverage has progressed and that the missing percentages relate mainly to the rural areas and, within that context, principally to women.

81. These trends show that coverage has ceased to be the central problem of Bolivian education. The worst problems now are dropping-out, the numbers having to retake courses and the poor quality of the education service, especially in the rural areas. The National Diagnostic Study of Bolivian Youth showed that dropping out begins in adolescence (at 14 in the urban and 12 in the rural areas). There are two main reasons, namely, in the cities the need to work and in the rural areas the inadequacy and poor quality of the supply 17/, factors which the educational reforms are intended to address.

82. In Bolivia, although only 4 per cent of the population between the ages of 10 and 24 has had no education at all, only 62 per cent has completed the basic cycle. Even supposing that those between 10 and 14 may still be in the process of completing this cycle and considering only the other two age brackets, the proportion is still 84 per cent. This means that there are at least 16 per cent who are lagging far behind (probably in adult education) or have definitively abandoned their studies. Moreover, only 52 per cent of the population between 15 and 24 years of age have completed the intermediate cycle and only 26 per cent of those between 20 and 24 have completed the secondary cycle 18/.

83. Despite the increased coverage, an abiding problem of the education system is the quality of the service, especially in the rural areas, where even though the educational reforms incorporate mechanisms for teacher training, the provision of teaching materials and the organization of school committees little progress has been made.

84. Finally, Table 12 illustrates the trend in illiteracy where the target of 10 per cent by the year 2000 could be exceeded. Despite progress, the higher incidence of illiteracy in the rural areas is again apparent.

Table 12

Illiteracy by area (%)

	1976	1992	1995	1996
Urban	16	9	7	6.5
Rural	53	36	32	31
TOTAL	37	20	16	14

Source: Compiled from 1992 census data and UDAPSO projections.

85. Considering also that a good many of the literate rural population become functionally illiterate through not making use of their skills, it is clear that the progress made in this respect is strictly relative and that, in any event,

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17/ Baldivia, op. cit.

18/ Ibid.

reading and writing are not necessarily serving as a first step towards overcoming poverty.

F. Children in especially difficult circumstances (CEDC)

86. The question of children in especially difficult circumstances is in the process of being addressed in Bolivia, since both the authorities and the cooperation organizations and institutions are moving on from care for the needy to the promotion of rights, though, obviously, there are still institutions in the country working on the problems of want. The existing programmes on behalf of CEDCs are as follows:

(a) Street children. Seeks to extend the institutional coverage, reduce the numbers of street children, reduce the prevalence of pregnancies and disease, improve education conditions, and care for 60 per cent of the girls in various centres. Coverage is estimated at 20 per cent. In reality, this is a programme that has barely got started and has not yet produced any significant results;

(b) Working children. Seeks to extend coverage in the areas of legal protection, health, technical training and education and reduce the number of under-14s in this situation. Present coverage is barely 0.7 per cent. Moreover, there is no institution responsible for protection and inspection;

(c) Child Care Programme (PAN). This is in the process of being organized by merging three similar programmes which were operating separately: the mainly urban Integral Child Care Programme (PIDI), the mainly rural Integral Development Centre (CIDI) and the National Child Care Programme (PRONAR). These projects focus on improving children's diets, providing early stimulation and promoting community participation in child care. Coverage is approximately 8 per cent. The programmes have not achieved their goal of reaching up to 20 per cent of the target population. NGOs are responsible for 60 per cent of implementation;

(d) Prison creches with provision for health care, nutrition and stimulation;

(e) Integral Training Centres. Seek to return institutionalized children to their families or to place them in alternative homes with a view to reducing the institutionalized population. Coverage: 40 per cent of the target population;

(f) Diagnostic and Therapy Centres. Intended to reduce hospitalization in health centres and provide for proper rehabilitation. The results are uncertain in relation to both diagnosis and rehabilitation;

(g) Diagnosis, assessment, rehabilitation and special education for disabled children. Coverage 0.4 per cent;

(h) Professional and technical training and retraining in caring for children in difficult circumstances.

IV. THE INSTITUTIONAL FRAMEWORK

A. The institutions responsible for the implementation of plans and policies and their evaluation

87. In 1992, the Juvenile Code 19/ converted the National Council for Solidarity and Social Development, together with the national, departmental and provincial juvenile directorates, into the National Organization for Children, Women and the Family (ONAMFA), defining it as the "chief organization for the sector, which regulates, sets standards, monitors and supervises all policies aimed at juveniles, women and the family" 20/, and granted it technical status, decentralized from the Presidency of the Republic, with autonomy of economic and administrative management.

88. Unlike its predecessors, which had dispensed welfare and charity and been presided over by the wife of the Head of State, the new ONAMFA broke with the past and transformed itself into a multidisciplinary institutional body headed by a joint board with non-governmental representation and a chairman appointed by the President of the Republic from a shortlist of three names approved by two thirds of the Chamber of Deputies 21/.

89. At the operational level, it established departmental consultative committees 22/ with a structure similar to that of the National Directorate, but having only consultative and coordinating functions; however, with total disregard for the Code, ONAMFA's executive authorities were appointed by the President of the Republic without reference to a shortlist and the departmental committees by the National Executive Directorate under the same conditions.

90. The former tribunals for the protection of juveniles were replaced by protection services, administratively dependent on the departmental executive directorates, as the agency responsible for the technical handling of problems relating to juveniles. This made it possible "under cover of the euphemism technical handling of problems...to retain aspects and provisions of the doctrine of the "irregular situation" which provided the excuse for a systematic and institutionalized infringement of the constitutional rights and guarantees of the juvenile by superimposing the powers of this agency on the authority of the judges in the juvenile courts" 23/.

19/ Law No. 1403 of 18 December 1992.

20/ Ibid., article 281.

21/ Ibid., article 286.1.

22/ Ibid., article 294.

23/ Derechos de Ninas, Ninos y Adolescentes, del Deber Ser al Ser, S. Soto Rios and Equipo DNI-B, in the series: Cuadernos DNI - No. 3, April 1997, p. 5.

91. The promulgation of the Code was followed nine months later by the adoption of the Government Ministries Act 24/ which reorganized the administrative structure of the State into three ministries: Sustainable Development, Economic Development and Human Development, the latter being responsible, among other things, for formulating, orchestrating and supervising sectoral social policies, as well as for promoting special policies and programmes for the development, protection and defence of the family, women and children, the young and the old.

92. The enabling regulations of this law established a National Secretariat for Ethnic, Gender and Generational Affairs with three departments:

1. Under-Secretariat for Ethnic Affairs, responsible for policies relating to the indigenous peoples;

2. Under-Secretariat for Gender Affairs, responsible for policies relating to women;

3. Under-Secretariat for Generational Affairs, responsible for policies relating to old age. (Note that policies aimed at children and young people are not dealt with here.)

93. This measure took the question of women out of the hands of ONAMFA and, in practice, the Under-Secretariat for Generational Affairs has assumed a leading role in relation to the question of children, adolescents and young people and their rights, effectively leaving ONAMFA with the care and protection of "children at risk".

94. In 1995, the administrative decentralization of the executive branch at departmental level established a new organizational structure and dissolved the non-profit decentralized public entities, one of which was the National Organization for Children, Women and the Family (ONAMFA) 25/.

95. Later, the National Social Service Secretariat was set up 26/ under the Ministry of Human Development to oversee the State's social service policy and ONAMFA's functions, powers and resources in the field of regulation and national coordination were transferred to the new agency.

96. As part of the decentralization process, in connection with the regulation of the organization of the executive branch at the departmental level, departmental human development secretariats were established in each departmental capital. These were made responsible for "everything pertaining to the development, education, welfare and quality of life of the person..." and charged with the implementation of measures and policies through the social action directorates and their gender, generational affairs, ethnic group and welfare units.

24/ Law No. 1493 of 17 September 1993.

25/ Law 1654 of 28 July 1995.

26/ Supreme Decree 24260 of 22 March 1996.

97. Four months after the establishment of the National Social Service Directorate, another law authorized the municipalities to protect, promote and defend children and adolescents within their jurisdiction and ordered that Offices for the Defence of Children and Adolescents be set up to exercise the new powers 27/.

98. In 1993, to this institutional support there was added the "Office of the First Lady of the Nation", a new entity which does not form part of the government structure but has developed welfare measures and services in parallel and/or in coordination with the State agencies and private organizations in the field of health, gender and generational affairs.

99. Thus, there are four bodies that simultaneously regulate, set standards, supervise and implement policies and measures on behalf of children and adolescents, a situation which has led to much misunderstanding and overlapping with respect to the functions and powers of each body, at both local and national levels. The national programmes are handled by the sectors or by the Social Investment Fund (FIS).

100. There are two institutions which regulate, set standards and supervise policies on behalf of children and adolescents: the National Social Service Secretariat and the Under-Secretariat for Generational Affairs, a situation which has led to considerable confusion with respect to the functions and powers of each.

101. At departmental level, there are similar problems with the Social Service Units and the Offices for the Defence of Children and Adolescents.

102. Direct action on behalf of children is undertaken by private institutions and/or government programmes financed by international cooperation. An inventory of the institutions working with children and adolescents 28/ found that there was a total of 132, all of which were working in urban areas but only 24 per cent of which were undertaking additional actions in rural areas. Most of them (38 per cent) were private (NGOs); 22 per cent were mixed; 20 per cent were government programmes and projects; and 20 per cent were church initiatives. Most of the institutions and programmes (68 per cent) were situated in the departments of the central corridor, with very little institutional presence in the areas of deep poverty (Table 13).

27/ Supreme Decree 24260 of 22 March 1996.

28/ Aida Rivadeniera and Casta Mazuelo, Inventariacion de las Instituciones que Trabajan con Ninos y Adolescentes, National Coordinating Office for Work with Children and Adolescents, La Paz, 1995.

Table 13

Type of beneficiaries of institutions by department
(number of institutions and per cent of children)

	La Paz	Santa Cruz	Cochabamba	Chiquisaca	Potosí	Oruro	Tarija	Total
Poors	26 39	14 16	16 25	14 41	10 56	8 36	12 40	100 31
In conflict	25 9	33 9	17 6	0 0	0 0	8 9	17 13	100 7
No parents	11 9	33 20	33 28	11 18	0 0	7 18	4 7	100 17
Working	22 8	33 11	13 6	7 6	7 11	7 9	11 13	100 6
Street	21 12	41 16	18 9	6 6	6 11	6 9	0 0	100 10
Disabled	7 6	41 27	24 22	14 27	1 11	1 9	7 13	250 19
All	42 15	8 2	8 3	8 6	8 11	8 9	17 13	100 7
Total	20 100	28 100	20 100	10 100	6 100	7 100	9 100	100 100

Source: Rivadeneira and Mazuelo.

103. As far as their coverage is concerned, these institutions are rather small. Most of them (28 per cent) work with a population of between 51 and 200 children; 20 per cent work with less than 50; 18 per cent with 200 to 1,000 and 20 per cent with more than 1,000. The latter include only government programmes with about 1,000 centres which provide for about 30,000 children. In short, taken together, the institutions have a low coverage.

104. Out of a total of 132 institutions and programmes, 26 per cent provide comprehensive support, 25 per cent focus on general development, 19 per cent on physical rehabilitation or special education, 17 per cent on education, 5 per cent on comprehensive support, 4 per cent on legal defence, 2 per cent on diagnosis and therapy, and 1 per cent on other services 29/.

B. Links with civil society and mechanisms for assessing progress

105. As mentioned above, since 1994 there has been an interinstitutional commission playing a coordinating role and, where appropriate, sponsoring action involving the broad participation of representatives of civil society in connection with the process of preparation of the draft "Children and Adolescents Code".

106. As a mechanism for assessing progress, the Government set up an interinstitutional commission composed of six representatives of the State and

29/ Ibid.

six representatives of civil society, which was entrusted with the preparation of this report 30/.

107. It is expected that, in future, civil society will be more actively involved in the work of the Offices for the Defence of Children, since under the Popular Participation Act and its Regulatory Decree the community organizations have the task of supervising their operation.

108. Despite these sectoral advances, there are no comprehensive mechanisms for following up and assessing programmes and projects on behalf of children; however, there are two basic means of linking State action with civil society: coordination with the private institutions and citizen participation.

109. The former has already been in existence for a long time, especially in the field of health, where the NGOs coordinate their work with that of the sector and have even been delegated the authority to administer certain health districts.

110. Citizen participation was institutionalized in 1994 by the Popular Participation Act which, in particular, introduced participatory municipal planning into the national planning system. This allows the organized community to define and prioritize its requirements in a five-year municipal development plan which serves as a basis for the annual operational plan (PAO) implemented by the municipalities using revenue-sharing resources and their own income.

111. Furthermore, watchdog committees elected by the grassroots organizations have been established to oversee the municipal administration. These have begun to function, albeit still somewhat shakily and occasionally with a certain amount of confusion.

112. The community has not yet become involved in running the schools since in most cases the school committees which were to have been established as a result of educational reform have not begun to function, although they have been set up. In health management, participation is somewhat better in rural than in urban areas, but still uncertain.

113. Under the PAE, the Social Policy Analysis Unit (UDAPSO) is the technical body responsible for assessing the impact of the action undertaken. Follow-up at the municipal level is the responsibility of the health information analysis committees (CAI) composed of representatives of the municipal council, the watchdog committee and the human development directorates (education and health). The latter, however, have not yet begun to function.

114. All the mechanisms introduced by popular participation are very new and only just beginning to be implemented; in fact, they are often neutralized by political interference aimed at turning them, in the customary fashion, into a source of "perks". However, in general, in the rural areas the tradition of community organization is generating considerable interest.

30/ Ministerial Resolution No. 080/97 of 3 June 1997.

115. In the specific case of the problems of children, the Under-Secretariat of Generational Affairs is coordinating its activities with the National Coordinating Office for Work with Children and Adolescents.

116. Finally, there is no obvious participation of children and adolescents in any of the phases of policy generation or programme design and implementation, there being no organizations to give expression to their views other than the school committees which still do not provide for this in practice. Only in the framing of youth policy guidelines (in 1997) has youth been able to make itself heard, and even then the organizations concerned were small and unrepresentative.

V. OPERATIONAL MEASURES AND BUDGETS

A. PAE-Social 1997 as it relates to the child

117. The Programme of Strategic Action for Human Development (PAE-Social) has been annualized programme- and budgetwise and decentralized at the departmental level in order to ensure its implementation. Similarly, prefectural PAEs have been drawn up for the country's nine departments. PAE 1997 envisages the measures described in detail in Tables 14, 15, 16 and 17.

Table 14

PAE 1997: Children's health and nutrition

Area	Priority measures	Global targets 1997	Results first half 1997
Children's health and nutrition	Integral care for under-5s National Mother and Child Insurance Supervision, monitoring and evaluation of mother-and-child insurance Family planning	200,000 examinations 240,000 ORT treatments 100,000 ARIs in service	42,031 ADIs treated with ORT 7,903 ARIs treated Total 49,934
	"Friends of Women and Children" health services (improvement of quality, sympathetic approach and cultural adaptation) Nutritional education and improved nutrition for under-2s (breast-feeding, vitamin-enriched oil, growth monitoring and promotion) Immunization Elimination of neo-natal tetanus and measles, maintenance of polio eradication Control of ADIs and ARIs	70% of health and bank services accredited 20% reduction in weight/age undernourishment Elimination of neo-natal tetanus and measles 20% reduction in mortality for EDAs and IRAs	Quality being improved
	Micronutrients - universal iodization of salt sugar supplemented with vitamin A flour supplemented with iron	95% households with iodized salt 50% consumption vitamin-enriched sugar Iron-enriched flour	
Care for adolescents		200,000 young people in the main cities	No action taken
Consolidation of health model	Implementation of pilot services to provide differentiated reproductive and mental health care and sex education for school-children and adolescents Training of institutional human resources at three levels of care (national, departmental and municipal)	311 municipalities with human resources trained in the new model	Training for 311 municipalities with material and seminars in DIDES
Extension of cover	Coverage of populations with poor access: indigenous peoples, peasants, adolescents and old people	Access for 30% more in each population group per year	Cover extended to the indigenous population and the old

Table 15

PAE 1997: Education

Area	Priority measures	Global targets 1997	Results first half 1997
Pre-school and primary education and nutrition	Construction, repair, replacement and maintenance of infrastructure Schools supplied with teaching materials for teachers and students Equipping of pedagogical resource centres Implementation of teacher training programme Strengthening of municipal capacity in education management Strengthening of community participation in education management Premises and equipment for departmental and district education directorates Implementation of the Quality Education Development Project	Pre-school and primary education improved by (1) incorporation of 985 nuclei in the Transformation Programme (2) improvement of the education system in general	930 nuclei incorporated 273 agreements for 8,942 units Self-teaching guides in languages and maths 731 educational advisers in the Transformation Programme Refresher course for 716 advisers, 8 lecturers and 1,113 teachers 9 departmental directors and planners trained in municipal strengthening 9,825 school, 259 nuclear, 29 district committees and 5 DILEs 100% of equipment distributed in depts and districts (except for computing equipment: infrastructure in La Paz, Tarija, Chuquisaca, Cochabamba and Potosí under repair, Beni in planning stage, Oruro, Pando and Santa Cruz in process of approval
Early development of children aged from 0 to 6 years	Improvement in overall development Improvement of nutritional state Extension of coverage of population eligible for mother and child insurance Promotion of community participation	Provision for 8,415 children in 185 urban CIDIs and 24,790 children in 992 rural CIDIs	
Alternative education	Comprehensive provision for children aged from 0 to 5 with early psychological stimulation, emotional development and nutritional and health care before primary school Reading and writing, education and technical training of alternative comprehensive curricula for those unable to begin or complete primary, secondary or any stage of education Provision for those with a need for special and comprehensive educational services to facilitate their full integration into family, social and working life Development of continuing socio-educational processes of educational communication, interaction with the family, grassroots organizations and the community to ensure access to relevant and meaningful learning in every phase of life	Extend coverage and improve quality of services for adults, youths and children on the street, children aged 0 to 5 and the population in general	Plan to spread awareness of the rights of disabled people through communication strategies to educate the community, workshops on the assertion of the rights of disabled people, festival of reintegrative arts and video, jingle and poetry competition Plan to systematize significant experience in continuing education Curriculum for education in the family and the community Training plan for departmental specialists

Table 16

PAE 1997 - Water and sanitation

Area	Priority measures	Global targets 1997	Results first half 1997
Water and basic sanitation	Pre-investment (PROSABAR)	400 projects in final design stage	400 projects in final design stage delivered to FIS
	Pre-investment (PASOLAC)	3 basic design packages (1 per department - Tarija, Oruro and Sur de La Paz)	1 packages prepared for La Paz, Tarija and Oruro
	Investment (PROSABAR)	410 projects benefiting 122,240 people in settlements with less than 5,000 inhabitants	295 infrastructure projects in progress, 35,768 beneficiaries with US$ 1.71 million of investment in infrastructure
	Technical assistance (PROSABAR) on project management and training	Support for DINASBA PROSABAR 400 committees organized, 800 operators trained, 200 sanitary education events and 30 municipalities qualified	Management information system Design and design-type regulations Educational material Tariff calculation and collection methodology
	Training	60 municipal operators trained, 2 training and professional events, 50 entities qualified. Other events aimed at UNASBAs and local governments	295 communities with community development programmes 15 municipal governments strengthened 190 communal operators certified US$ 2.8 million in technical assistance
	Technical assistance (PASOLAC) and technology transfer	Planning and well drilling and development techniques and methodologies for professionals at DINASBA and UNASBAs	Transfer of planning and well drilling and development techniques and methodologies to professionals at DINASBA and DIDESBAs (formerly UNASBAs)

Table 17

PAE 1997: Child protection

Area	Priority measures	Global targets 1997	Results first half 1997
Comprehensive legal and institutional framework for children and adolescents	Approval of draft Children and Adolescents Code	New Code based on the integral protection doctrine approved and in force	Notes sent to members of parliament to disseminate new draft
	Media campaign to disseminate and create awareness of the new legislation	Civil society and institutional bodies apply new legislation	
	Implementation of Municipal Offices for the Defense of Children and Adolescents. According to the availability of municipal government resources could be implemented jointly or separately with the Comprehensive Legal Services (SLIs)	12 offices in intermediate cities	Offices: La Paz, 3 urban; El Alto, 1 urban; Chuquisaca, 2 urban and 3 rural; Potosí, 2 urban and 2 rural; Tarija, 1 urban and 2 rural; S. Cruz, 1 urban and 1 rural; Cochabamba, 4 urban and 4 rural; Beni, 2 rural; and Pando, 1 urban
National Plan to Combat the Maltreatment of Children	Implementation of networks to deal with the maltreatment of children in intermediate cities with incorporation of the question of maltreatment into sectoral policies Creation of public awareness of the consequences of the maltreatment of children and the rights of children and adolescents through informational and communication measures	Reduce high incidence of maltreatment	Plan drawn up First phase of perception of rights and child maltreatment survey implemented National media campaign against maltreatment
Care for working and street children and adolescents	Care for working and street children between 7 and 12 and adolescents Improvement of living conditions of working and street children and adolescents (schooling) Support and training for incorporation of the generation question in prefectural social development units	1,900 children incorporated in national education system, which represents 21% of all working children with no schooling and/or at risk of missing an education in main urban areas 9 prefectures with personnel trained to deal with generational questions in their respective social development units	Second year of implementation of school enrolment programme for working children aged 7 to 12 in the main cities, with 1,900 children incorporated in the education system

B. Resources

118. These plans are being supported by both public social investment and social expenditure, on which there is no consistent and up-to-date information. Although only sporadic data are available, it is possible to obtain a rough idea of the treatment of social questions in Bolivia, as illustrated by Table 18.

Table 18

Sectoral distribution of committed public investment

(millions of US$)

Year	1990		1993		1995		1996	
Sector	US$	%	US$	%	US$	%	US$	%
Productive	138	44	137	28	82	16	66	12
Infrastructure	115	37	251	52	220	42	247	46
Social	58	18	85	18	184	35	215	40
Multisectoral	4	1	8	2	34	7	12	2
Total	315	100	481	100	520	100	540	100

Source: Based on Muller y Asociados and Report No. 2, Fundacion Milenio.

119. As shown by Table 18, the government's social public investment increased considerably after 1994, in both absolute and percentage terms, reaching 40 per cent of total investment. Social investment has received greater consideration among the country's macroeconomic priorities, as shown by the fact that in 1990 it represented 0.89 per cent of GDP, in 1993 1.72 per cent and in 1995 3.61 per cent. The percentage breakdown of social investment for the same years is shown in Table 19.

Table 19

Percentage breakdown of social investment

Social sector	1990	1993	1995(*)	1996
Education	7.3	11.7	38.5	25.3
Health and social security	92.5	24.3	23.0	12.2
Basic sanitation and housing	0.2	33.4	30.1	25.9
Employment	0.0	30.6	8.4	36.6
Total	100.0	100.0	100.0	100.0

(*) Programmed

Source: Based on Muller and Machicao.

120. For 1997, programmed public investment is US$ 611 million, of which US$ 263 million, i.e. 43 per cent, is destined for the social sectors. Of this amount 29 per cent will go to education, 17 per cent to health and 36 per cent to basic sanitation.

121. As Table 20 shows, as far as social public expenditure is concerned, the trend in relation to total public expenditure is as follows: 32 per cent in 1993, 31 per cent in 1994 and 27 per cent in 1995.

Table 20

Committed social public expenditure TGN

(in US$)

	1993	1994	1995	1996 a/	Change 93-96
Total public expenditure	1 233 634 348	1 269 783 099	1 704 602 779	2 096 441 021	69.94
Non-social	842 094 592	873 710 329	1 248 008 285	1 498 912 988	78.00
Social	391 539 756	396 072 770	456 594 494	597 528 033	52.61
Education	253 334 252	261 084 624	268 119 131	353 787 830	39.65
Health & social security	123 215 226	116 744 378	152 594 007	170 565 000	38.43
Basic sanitation	1 157 058	1 574 657	881 538	635 086	-45.11
Employment b/	1 104 448	1 214 840	1 556 943	1 811 329	64.00
Other social c/	12 728 770	15 454 271	33 442 875	70 728 788	455.66

Source: UDAPSO, based on information from the Comptroller General's Office

a/ budgeted;

b/ includes the Social Relief Fund and all its programmes;

c/ includes the Ministry of Human Development

C. The role of international cooperation

122. By law, the Ministry of Finance is responsible for negotiating and concluding agreements for external financing and technical cooperation included in the public finances.

123. Bolivia's total technical assistance is about US$ 700 million per year and represents approximately 10 per cent of GDP and over 50 per cent of the value of Bolivian exports. This aid comes mainly from multilateral sources with which, moreover, most of the external debt has been contracted.

124. The assistance received by Bolivia in recent years has been structured as follows: 61 per cent investment projects, 20 per cent independent technical cooperation, 8 per cent balance of payments support, 6.5 per cent technical cooperation relating to investment projects, 4.2 per cent food aid and 0.3 per cent emergency assistance. Over 55 per cent of this aid consists of credits and the rest of subsidies and grants.

125. The principal sources of cooperation are: Inter-American Development Bank 18 per cent, Andean Development Corporation 15 per cent, United States 14 per cent, World Bank 9.5 per cent, Germany 8 per cent, Netherlands 4.2 per cent, Italy 4.2 per cent and Japan 4.2 per cent. Other relatively significant sources are Switzerland and Belgium. The cooperation received in recent years can be broken down by sector roughly as follows: economic management 16 per cent,

transport 13 per cent, regional development 11 per cent, international trade 10 per cent, natural resources 9 per cent, agriculture 8 per cent, social development 8 per cent, health 6 per cent, energy 6 per cent and other minor items.

126. In the health sector, cooperation has fallen mainly under the following headings, in order of importance: primary health care (77 per cent), sectoral policies and planning (14 per cent), immunization and programmes to combat disease (8 per cent), hospitals and clinics 1 per cent and family planning (0.4 per cent).

127. In the education sector, the trend of cooperation has been as follows: 27 per cent for technical education and training, 22 per cent for sectoral policies and planning, 18 per cent for primary education, 14 per cent for non-academic education, and 10 per cent for secondary education. The value of external cooperation in the sector for the five-year period 1990-1995 is estimated at US$ 20 million, although the figures have been increasing and in 1994 alone reached US$ 10 million, which represents 14 per cent of total international cooperation. The sector received US$ 1.8 million in 1991, US$ 6.4 million in 1993 and US$ 19.7 million in 1994 31/.

128. The water and sanitation sector has been one of those to win special attention from international cooperation, since the resources earmarked for this sector rose from US$ 35 million in 1992 to US$ 41 million in 1993 and US$ 41.2 million in 1994 to give a cumulative total of US$ 117.6 million over the three-year period 32/. Most of these resources were channeled through the National Rural Development Fund (FNDR) and the FIS.

VI. DISSEMINATION AND INFORMATION

A. Action taken to make known the principles and provisions of the Convention

129. The Government has neither planned nor implemented a policy of dissemination and information in connection with the Convention, the action taken along these lines is the fruit of institutional efforts. The United Nations Children's Fund UNICEF-BOLIVIA has published a book on international conventions for the protection of women and children and Defence for Children International (DNI-BOLIVIA) has published the declarations and the Convention and circulated a series of educational booklets for children, including one on the Convention in general and three others on specific rights dealt with in the Convention.

130. Dissemination has been more concerned with campaigns to promote immunization and combat disease, as well as to promote the new services offered by the State, especially mother and child insurance.

31/ UNAS.

32/ DINASBA.

131. In general, the dissemination and information effort has been unsystematic, has failed to identify its audiences and has not been targeted at children and adolescents.

B. Measures to give the reports on the implementation of the Convention a participatory character and make them widely available to the public

132. To be perfectly honest, the reports on the implementation of the Convention have not been disseminated.

133. As for participation, the participants in the first report were almost exclusively sectors linked to the State apparatus. On the other hand, in the case of the present report there has been greater participation by non-governmental organizations.

VII. DEFINITION OF THE CHILD

A. Differences between the domestic legislation and the Convention

134. There is no definition of the child in the Bolivian legislation. The Code uses the term "juvenile" and considers it to apply to everyone between conception and coming of age 33/.

135. As for citizenship, it is restricted to the exercise of political rights in the narrow sense, i.e. voting and being elected. In accordance with the Constitution, as amended on 6 February 1995, citizenship is granted from the age of 18, but in practice this only gives entitlement to vote, since a person of that age, whose civil capacity is not recognized by the law until he or she has reached the age of 21, cannot be elected to any office 34/.

B. Minimum ages established by law for health care, education, employment, marriage, military service, criminal and civil liability, etc.

1. Medical treatment

136. There is no legislation defining a particular age for direct access to the health services. In practice, the custom is for health professionals, paramedics and adults in general not to respond to direct requests from children. In the health centres, both public and private, no care is provided unless a responsible person, who must in every case be an adult, is present. Surgery must be authorized by the parents or by responsible persons duly accredited.

33/ Juvenile Code, article 2.

34/ Constitution, article 41.

2. Legal counselling

137. There is no law that mentions the possibility of receiving counselling with or without the consent of the parents. However, the Code of Civil Procedure does state that only the competent may participate in judicial proceedings. Accordingly, those who are not competent, under the age of 21, can participate only through their parents or guardians.

138. Adolescents of 16 years of age may recognize their children without having to obtain the authorization of their parents or guardians and at this age it is also possible to become emancipated by process of law 35/.

3. Education

139. The Educational Reform Act expressly states that "The pre-school level of education shall begin under the responsibility of the household itself". To this end, it requires the national education system to promote early sensory and psychological stimulation and nutritional and health care in the family environment since, in practice, the education of children can and should start from birth.

4. Employment

140. The General Labour Act prohibits children under 14 from working, except as apprentices 36/.

141. The Juvenile Code does not establish a minimum age for working, making no distinction between children and adolescents.

5. Marriage

142. The ages indicated in the previous report have not been changed: 16 for males and 14 for females, though a judge may grant exemption from the age requirement if there are serious and justified grounds for doing so 37/.

6. Testimony in court

143. The age of 14 is still the minimum age for giving testimony in any legal proceeding 38/, except in divorce cases in which the children may not be called upon to testify. There is no other provision prohibiting the participation of children and adolescents in legal proceedings in general.

35/ Family Code, articles 198 and 361.

36/ General Labour Act of 8 December 1942.

37/ Law 996 of 4 April 1988.

38/ Code of Civil Procedure, Decree Law of 6 August 1975, raised to the status of Law on 28 February 1997.

144. The Juvenile Code expressly requires the judge to hear the juvenile in proceedings in which the latter is the victim of a violation at work and before ordering that he or she be fostered.

7. Consent to change of identity, including change of name, modification of family relations, adoption, guardianship

145. There is no legislation governing changes of identity or name for children and adolescents which become possible only when they reach their majority (21).

146. Modifications of family relations are treated differently in the two kinds of adoption in force. In outright adoption the law is clear, stating that "the relations of the adopted child with the family of origin shall be severed, except for matrimonial impediments due to consanguinity" and ordering that the register of births record "the birth of the adoptee as the child of the adoptive parents..." and that neither the court order nor the certificate make any mention of the history of the child registered or of the outright adoption. On the other hand, in simple adoption "the adoptee retains all his rights and duties with respect to his family of origin, but parental authority belongs to the adoptive parents" and "the adopted child has the right to use the name of the adoptive parent, either in addition to or instead of his own..." 39/.

8. Access to information concerning the biological family

147. As already mentioned, in outright adoption there is a complete break with the biological family and the procedure is subject to the corresponding legal reservations. Therefore, it is not possible to guarantee adopted children a legal right to access to information about their biological family, which depends on the inclination and willingness of the adoptive parents.

9. Capacity to inherit, conduct property transactions, create or join associations

148. Ascendants and descendants in general, including those about to be born, who are "considered born whenever it might work to their advantage" have the legal capacity to inherit 40/.

149. Property transactions can only be conducted by persons over 21, the age of acquisition of the legal capacity "...to perform for oneself all the acts of civil life" 41/.

10. Sexual consent

150. There is no provision defining such an age.

39/ Ibid., articles 79, 80, 92 and 95.

40/ Civil Code of 6 August 1976, articles 1, 1008, 1122 and 1234.

41/ Ibid., article 4.2.

11. Military service

151. The Constitution requires all Bolivians to perform military service. The minimum age is 18 and the period of service is one year 42/.

152. However, this military service has been turned into a way of institutionalizing discrimination based on economic situation and social class, since the children of city families with means can illegally acquire a certificate of military service and escape the obligation, while for urban young men without means and, in general, for those in rural areas a year in barracks is unavoidable.

153. Because of recurring complaints in recent years concerning cases of maltreatment, including the death of conscripts in barracks, this year pre-military service was reintroduced for male students in their final years 43/. Under these provisions future graduates receive military training at weekends and during vacations, but economic discrimination still exists, since the students who opt for this type of service must pay for their own uniforms and food. At present, 20,000 young men are doing their pre-military service. Unfortunately, while this report was being prepared, a pre-military student died during training in a military installation in La Paz in circumstances which are still not clear 44/.

154. Moreover, although the minimum age for performing military service is 18, when the annual intake into the armed forces cannot be made up on a voluntary basis, compulsory recruitment is indiscriminate, an occasion for forcibly recruiting poor adolescents, including some as young as 14, by means of organized sweeps.

12. Criminal liability

155. The Penal Code fixes the age of criminal responsibility at 16. Since July of last year, juveniles who have not reached the age of 16 - without any restriction as to minimum age - and have committed an offence defined by the criminal law as a misdemeanour ("delito") appear before the juvenile judge 45/ who must duly apply the socio-educational measure he considers necessary. It should be noted that as a result of the legal changes which have affected the Code, the juvenile judges do not have a pre-established procedure for judging offences, so that they apply the ordinary rules of court.

42/ Decree Law No. 13907 of 27 August 19976.

43/ Supreme Decree 24527 of 17 March 1997.

44/ La Razon, 4 July 1997.

45/ Law No. 1702 of 26 July 1996.

11. Civil liability

156. Majority is reached and the capacity to act acquired at the age of 21, with the following exceptions: 46/

(a) exercising for one's own account, without the prior authorization of one's representatives, a profession for which one is qualified by virtue of a degree issued by a university or institute of higher or special education;

(b) administering and freely disposing of the proceeds of one's labour.

VIII. GENERAL PRINCIPLES

A. Measures to reduce economic, social, geographical, gender, ethnic and other differences with a view to implementation of the principle of non-discrimination

157. Apart from the constitutional reforms, the Popular Participation Act of 1994 is tending to reduce regional differences, since its practical application has already led to an increase in the revenue-sharing resources earmarked for the municipalities, which rose from US$ 76 million in 1990 to US$ 254 million in 1996.

158. The same measure has made possible a 122 per cent increase in municipal investment, especially in the provincial municipalities and the rural municipalities in general, since whereas in 1990 the capital cities received 92 per cent of revenue-sharing resources and the provinces only the remaining 8 per cent, in 1995 the latter received 61 per cent of these resources.

159. At the same time, the municipalities are currently being "districtized" for the purpose, among other things, of identifying the indigenous municipal districts possessing territoriality, jurisdiction and competence.

160. Similarly, the introduction of bilingual education in the regions in which the indigenous languages predominate is not just a technical measure to facilitate the teaching and learning process but a recognition of the ethnic and cultural diversity to be found in the country, despite the rapid process of hispanicization.

B. Legislative measures to implement the principle of non-discrimination

161. According to the Constitution, every human being has legal personality and capacity, in accordance with the laws. He enjoys the rights, freedoms and guarantees recognised by the Constitution without distinction as to race, sex, language, religion, political or other opinion, origin, economic or social condition, or any other"; however, as "without distinction as to age" is not included, persons who have not reached their majority may be excluded from these rights and guarantees.

46/ Civil Code, articles 5 and 41.

162. The principle of non-discrimination is developed in the Juvenile Code which stipulates that its provisions "shall apply to all juveniles on Bolivian territory whatever their nationality, religion, social, cultural or economic condition..." and later specifies that "Whoever inflicts any form of neglect, discrimination, exploitation, violence, cruelty or oppression upon a juvenile, whether by commission or omission, shall be subject to the jurisdiction of the ordinary courts for violation of fundamental rights and constitutional guarantees".

Specific measures to eliminate discrimination against girls

163. Since both public and private schools were expelling girls who became pregnant, the National Education Secretariat expressly prohibited the expulsion or rejection of such students, whatever their marital status, requesting the schools to guarantee that they be allowed to stay until they had ended or concluded their studies 47/.

164. In an attempt to eradicate this kind of discrimination, the Education Reform Act 48/ defined one of its objectives as "establishing fairness in terms of gender in the educational environment by encouraging the more active participation of women in society". In this context, in January of this year, the National Education Secretariat introduced coeducation in all stages of State school education. Many headmasters, teachers, parents and pupils of certain boys' schools and colleges opposed the measure, even using violence and threats against the girls who enrolled in these institutions.

165. On the basis of the results of an investigation of the situation of adolescent pupils of both sexes, the Gender Under-Secretariat, after approving a programme to prevent violence in schools, transferred it to the Education Secretariat to "prevent and eradicate all forms of violence and gender-related discrimination in and outside the classroom so as to promote an education on equal terms for boys and girls with a view to the building of a fair and democratic society that respects differences".

166. As will be appreciated, there is legislation providing for sexual equality and equal treatment for men and women, but the situation remains unchanged for most girls and female adolescents due to the persistence of traditional sociocultural patterns which, added to poverty, are adversely affecting their present and future. These cultural practices include the functional maltreatment to which they are systematically subjected, being made to assume from a tender age the responsibility for taking care of their young brothers and/or the men of the family and, if necessary, leave school to do so.

167. Another custom that survives in some rural areas is that which, against the law, allows fathers to enter only male and not female children in the register of births. This is because of the importance which the family attaches to males due to the role they play in the community and with a view to their

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47/ Secretarial Resolution of 8 June 1995.

48/ Law No. 1565 of 7 July 1994.

performing military service for which a birth certificate is an indispensable requirement.

C. Best interests of the child

168. The Constitution, which dates from 1966, does not establish this principle. Moreover, apart from its family protection provisions, it makes no reference to the rights of children other than in article 199, which reads:

> "1. The State shall protect the physical, mental and moral health of children, and shall uphold the rights of children to a home and to an education.
>
> 2. A special code shall regulate the protection of juveniles in harmony with general legislation."

169. When the Constitution was being amended in Parliament, a proposal was made to this effect but was not taken up.

170. It is the Juvenile Code which stipulates that its provisions must be interpreted in the best interests of the child, in accordance with the objectives and principles established and accepted by the Constitution, the domestic law, the Convention on the Rights of the Child and other international conventions and declarations, and which also makes the family, the community, society in general and the State co-responsible for ensuring, with absolute priority, that the child can exercise all his or her rights and that those rights are respected, by establishing priority for the formulation of social and economic policies on his or her behalf 49/. Although these are the requirements of the Code, in practice they are not fulfilled, since children and adolescents are not among the policy priorities of central or local government, inasmuch as their rights do not operate in the interests of the adults.

171. In the courts, in arriving at their decisions some juvenile magistrates take this principle into account only from their own personal point of view, deciding what they consider to be best for the child, even though their assessment might be contrary to the rights themselves. Another possibility is that by confining themselves to the strict letter of the law they may fail to find legal mechanisms enabling those rights to be effectively protected.

172. The ordinary courts do not even recognise children and adolescents as individual subjects of the law, so that the principle cannot even be applied.

173. Some professionals who provide services in the Offices for the Defence of Children and Adolescents and the prefectural Welfare Units, while supposedly respecting this principle, decide requests for the protection and defence of children and their rights on a subjective basis, disregarding what the children themselves may say, think or wish.

49/ Juvenile Code, articles 5, 7 and 8.

D. Specific measures taken to ensure the right of the child or adolescent to life, survival and development

174. The rights to life and health are established in the Juvenile Code, together with the State's duty to guarantee and protect those rights with social policies which ensure appropriate conditions for the gestation, birth and integral development of children 50/.

E. Respect for the views of the child

175. Although the Constitution includes, in general terms, among the fundamental rights and duties the right to impart ideas and opinions, through any medium of dissemination, this right was not accorded to juveniles until the promulgation of the Juvenile Code currently in force which, in addition to identifying it as a right to freedom, together with participation, expressly mentions it as a fostering requirement and as a right to challenge an evaluation in education 51/.

176. However, in no other provision of the Code is it expressly stated that the views of the child must be taken into account.

177. The Educational Reform Act establishes school committees (whose aim is to participate in the education of the children with a view to taking decisions on educational management) consisting of parents' representatives. There is no mention of the participation of the students, but in practice the students have their own organizations and participate on that basis.

178. To reinforce this practice, as one of the requirements for allocating economic resources to education centres the Social Investment Fund (FIS) authorities insist on there being a student representative on the school committee.

179. Although, in practice, the right to freedom of association and participation is expressly recognised, as in all schools, what is really lacking is adult recognition of the inclusion of students in organizational bodies such as the school committees.

180. Respect for the views of the child within the context of the administration of justice has already been described in the section of the report concerning legal minimum age.

181. Measures to ensure that children and adolescents really play an active part in deciding the course of their own lives and can exercise their citizenship have been promoted and supported only by the non-governmental organizations (NGOs). In some cases there has been interinstitutional coordination and in others, in specific circumstances or on special occasions, the NGOs have acted alone.

50/ Ibid., articles 15 and 26.

51/ Ibid., articles 39, 114 and 120.

IX. CIVIL RIGHTS AND FREEDOMS

A. Name and nationality

182. In general, the provisions relating to the right to a name are to be found in the Civil Code and include the right to an individual proper name and the family name of the father and mother, questions of the right to affiliation being dealt with in the Family Code.

183. The Juvenile Code specifically provides that "Every juvenile has the right to a name and the family name of the parents from the moment of birth..." and requires free and immediate enrolment in the register of births, stipulating that in cases in which the identity of the parents is not known the juvenile must be affiliated with conventional individual and family names, without this being specified, as the civil law also provides albeit without the reservation. At the same time, the children of a lone mother who do not have the legal recognition of the father can only have one family name, that of the mother, which constitutes lifelong discrimination and stigmatization.

184. Pro-rights institutions have regularly complained to the competent authorities about this situation and asked for two family names, one conventional, to be registered, but these requests have been systematically rejected.

185. Thus, there is a high percentage of children who have not been registered and have no birth certificate due to the refusal of their male parents to recognise their child, mainly for economic reasons since, although the law requires the proceedings to be free, each recognition costs US$ 6, the same as a registration, up to the first birthday, after which it is necessary to go to court and employ a lawyer [52], at a cost of nearly US$ 100. These fees have been officially established by the competent authorities [53] and cannot be afforded by the broad mass of people whose total monthly income is not usually more than US$ 45.

186. Apart from the economic factor, in practice the administrative and judicial authorities may complicate the proceedings by asking for evidence not specifically required by law.

187. In order to extend coverage and facilitate registration in rural areas a temporary law [54], which will remain in force until the end of 1998, has been promulgated. This allows over-16s to be directly enrolled in the register of births and, for a small fee, to be issued with an identity card immediately, in the presence of just two witnesses. Unfortunately, this measure does not apply to children or younger adolescents in rural areas or to any child or adolescent in the cities.

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[52] Supreme Decree No. 18721 of 17 April 1981.

[53] Electoral Court (responsible at national level for the register of births, marriages and deaths), 1996.

[54] Law No. 1660 of 30 October 1995.

188. Since in Bolivia 40 per cent of children and adolescents are not registered, it was planned to reduce this percentage through a free campaign initiated by the NGOs, supported by UNICEF and coordinated with the Electoral Court, the target being to register 100,000 children and adolescents under 16, i.e. 40 per cent of the undocumented population in this age group, but for various reasons, mainly administrative, it was only possible to reach 50 per cent of the target 55/.

1. Criteria for the acquisition of nationality and whether the child is allowed to acquire the nationality of both parents

189. Bolivian nationality is acquired: by birth in the territory of the Republic; by being the child of a Bolivian father or mother and being registered as such despite being born in a foreign country; or by naturalization 56/.

190. It is possible to adopt the system of plural nationality under conventions signed by the Bolivian State. This applies to Spain and certain Latin American countries.

2. Preservation of identity

191. This is provided for in article 115 of the Juvenile Code, but there is no coercive mechanism to ensure compliance. Hence though it may be possible to guarantee identity, it is less easy to preserve it.

B. Freedom of expression

192. This recognised within context of the right to freedom 57/.

193. There is no provision relating to the freedom of children to seek, receive and impart information and ideas, which depends on the economic resources of the children and their families.

C. Freedom of thought, conscience and religion

194. Under the Constitution, the "State recognizes and upholds the Roman Catholic Apostolic religion and guarantees the public exercise of any other worship...".

195. The Juvenile Code includes this right among the rights to freedom 58/. Catholic religious instruction is given in two stages of public education, but

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55/ Memorandum-Report, Campana interinstitucional de registro gratuito de menores de 16 anos, 21 September to 21 November 1994-1995, National Electoral Court-UNICEF, pp. 49 and 50.

56/ Constitution, articles 36 to 39.

57/ Ibid., article 113.

58/ Ibid., article 114.3.

other religious beliefs are also respected, which is not the case in the private religious colleges.

196. However, there is a contradiction with the Family Code which stipulates that the parents shall agree during marriage on the religious education which the child is to receive or that it shall be determined by the parent having custody of the child, subject to any representation which may be made by the other parent. In the event of disagreement, "the judge shall give preference to the one who opts for the State religion...". At 18 the child can adopt whatever religion he wishes 59/.

D. Freedom of association and of peaceful assembly

197. Among the rights to freedom listed in the Juvenile Code is the right to "belong to student, community, trade union, sporting and social organizations" 60/. The right of peaceful assembly is not included.

198. Apart from student associations, there are local cultural, sporting and social organizations, mainly for working adolescents, which may not be established for commercial or profit-making purposes because of the limitation on the capacity to act up to the age of 21 61/.

E. Protection of privacy

199. The right to respect is recognized and defined as "the inviolability of the physical, mental and moral integrity of the juvenile, including the preservation of image, identity, values, opinion, spaces and personal work objects" 62/.

200. In conformity with this protection, the Code imposes privacy on the proceedings of the courts and technical and administrative bodies in all cases relating to juveniles and stipulates that when the media publish or broadcast news involving juveniles they should not be identified by name or pictured, unless there is an express determination of the competent authority to that effect, and in any event their best interests should be considered. The Code also prohibits any publication of oral, printed, graphical or written information about judicial proceedings in which juveniles participate 63/.

201. However, given the absence of coercive mechanisms to ensure the rule of law, all these provisions have found only theoretical expression inasmuch as in the various areas of civic life there is no respect for the privacy, image, identity, values and opinions of children and adolescents; the media are

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59/ Family Code, article 262.

60/ Juvenile Code, articles 114.8 and 120.

61/ Civil Code, article 5.

62/ Juvenile Code, articles 113 and 115.

63/ Ibid., articles 11 and 186.

constantly publishing news with a profusion of photographs and pictures of and statements by children and adolescents who have found themselves involved, actively or passively, in certain types of situation, particularly in criminal cases, when they may also be accorded totally unsuitable sensationalist and unhealthy treatment.

202. Moreover, in every election campaign the political parties in general use and exploit children's images, needs, affections and rights as an electoral banner.

203. In some regions, it is the parents themselves who push forward and even hire out their young sons and daughters for advertisements and fashion shows, beauty queen competitions and the like.

F. Access to appropriate information

204. In 1995, within the context of educational reform, a process of providing schools with libraries and promoting the publication of books for children was initiated. Apart from this, there are no other measures giving children and adolescents access to information and material aimed at the promotion of their general well-being.

205. There is very little production and dissemination of material for children. Once a week almost all the newspapers publish a children's supplement which reach only a few children in the main cities, many families being too poor to buy newspapers.

206. Guidelines for the protection of the child are laid down in the Juvenile Code in the chapter on prevention which provides for measures in relation to radio and television programming and access to videos, magazines and publications. As there is no provision for punishing infringements, compliance is poor.

G. The right not to be subjected to torture or other cruel, inhuman or degrading treatment

207. The Constitution prohibits torture and other forms of physical or mental violence 64/. The Penal Code classifies it as an offence and specifies a graduated scale of punishments. However, it makes it a condition that the perpetrator be an official 65/ and says nothing about what happens if he is not.

208. The Bolivian legislation does not provide for the death penalty or life imprisonment. The maximum sentence for serious offences is 30 years and can be applied to anyone criminally responsible, i.e. over the age of 16.

64/ Constitution, article 12.

65/ Penal Code, article 294.

209. In the case of those who are not criminally responsible, without limitation for children and adolescents under the age of 16, the maximum period of detention or deprivation of liberty is two years.

210. There have been no awareness campaigns launched against torture or other cruel, inhuman or degrading treatment or punishment.

211. Relatives of conscripts performing military service have complained about instances of torture and even murder.

212. Nor have measures been adopted to ensure the physical and psychological recovery and reintegration of children who have been tortured or ill-treated.

X. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Parental guidance

213. Although the Family Code does not define the family, it lays down rules concerning matrimonial and family relations, as well as guaranteeing the relations within free or de facto unions.

214. It is the Juvenile Code that distinguishes between the family of origin "consisting of the parents, children, ascendants, descendants and collateral kinsmen" and the alternative family as that which, not being the family of origin, takes in a juvenile and assumes responsibility for caring for and looking after him or her 66/.

215. The family members are treated equally with respect to the regulation of conjugal relations and affiliation, as well as with respect to the exercise of parental authority, and there is no indication or discriminatory criterion with regard to origin that might be incompatible with the worth and essential dignity of the human being 67/.

216. The parents must support, protect and bring up their under-age children until they acquire a trade or profession. In the case of alternative families, this burden falls upon the persons responsible for the child or adolescent 68/.

217. Instruction for families and parents is confined to the isolated initiatives of some private educational establishments and specified NGOs. There have been no awareness campaigns on the rights of parents and children and there are no family counselling services or parental education programmes, although the Juvenile Code provides for "the derivation of family and juvenile assistance programmes" as a social protection measure.

66/ Juvenile Code, articles 36 and 38.

67/ Constitution, article 195; Family Code, article 176.

68/ Juvenile and Family Codes.

218. Since December 1996, the law has authorized the Offices for the Defence of Children and Adolescents to offer families interdisciplinary guidance to avert crises.

B. Parental responsibilities

219. On the basis of the principle of equality of the rights and duties of spouses, the father and mother share responsibility for the education and upbringing of the children.

220. The juvenile remains under parental authority until he comes of age. This authority includes the right suitably to correct the conduct of the children, to maintain and educate them and ensure they acquire a socially useful profession or trade, according to their vocation and aptitudes 69/.

C. Separation from parents

221. Children may not be separated from their parents, except in special circumstances and solely for their protection. These circumstances include loss of parental authority when the parents commit, aid and abet or instigate offences against their children or induce them to commit unlawful acts, the "depraved habits" of the parents, maltreatment and "setting an evil example or incitement to reprehensible acts" 70/.

222. For the parents to lose their authority judicial proceedings must be instituted before the area family court, which must rule following a decision of the government procurator's office and the State agency for the protection of children. This ruling can appealed in the district high court.

223. Special circumstances also exist following the dissolution of the marriage by separation or divorce, when the judge must adopt measures on behalf of the child, since dissolution leads infallibly to the separation of the children from one of the parents. The measures to be taken are: determination of the custody of the children, establishment of the level of family assistance, and arrangements for visits and the supervision of education, in connection with which consideration must be given to the care and moral and material interests of the children, with application of the principle of non-separation of brothers and sisters, the previous law having stipulated that the girls could be placed in the care of the mother and the boys in that of the father. Although this provision was repealed in 1989, various sectors of the population, including authorities, still continue the practice. In these cases there is no provision requiring the judge to acquaint himself with the children's views before determining their situation.

224. However, calling on children to make statements in these proceedings, even if only for information purposes, is expressly prohibited. The use of a child for exerting pressure, blackmail, harassment and/or arbitrary retention in

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69/ Ibid.

70/ Ibid.

family disputes constitutes maltreatment and calls for the intervention of the juvenile magistrate.

225. The dissolution of the marriage and the determination of the situation of the children are matters for the area family judge who, before ruling, must hear the government procurator and the State body for the protection of children. The ruling may be appealed in the district court.

226. Despite the existence of clear provisions to prevent the separation of children from their parents, the Family Code, on grounds of "educational assistance", stipulates, to the contrary, that "if the child misbehaves and it is impossible to correct his or her behaviour by the ordinary means recommended for his or her material and moral education, the parents may turn to the administrative body for the protection of children so that it may take appropriate measures..." 71/.

D. Family reunification

227. There is no specific provision concerning this matter.

E. Illicit transfer and illicit retention

228. The preventive measures include the provision that no child may travel outside the department in which he lives without the authorization of the National Organization for Children, Women and the Family, unless accompanied by one or both of his parents or the persons responsible for him. In the case of foreign journeys, if the child travels with only one of the parents the express authorization of the other is required, in the form of a document authenticated by the juvenile judge.

229. Despite it being specified that these proceedings are free, there is a regulation stipulating that the interested parties must pay the "replacement costs".

F. Recovery of maintenance for the child

230. Family aid must include everything essential for sustenance, housing, clothing, medical care and education expenses and whatever is necessary for the child to acquire a trade or profession. No changes have been made with respect to the persons obliged to provide this aid, the requirements or the monthly payment, as described in the previous report (1992). Where changes have been made it is in relation to procedures.

231. The first of these changes was introduced by the Law on the abolition of imprisonment and execution on the person for maintenance obligations. This revoked article 149 of the Family Code which read "The aid is of social interest and there is execution on the person for its timely provision when deceit is used to avoid providing it....". Execution could be suspended after six months if the debtor guaranteed to pay within a specified period, with the possibility of his being detained again if he failed to comply. This was replaced by a new

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71/ Family Code, article 263.

law which stated: "Execution on the person shall be ordered only by the judge who is hearing the application for family aid and may not exceed a maximum period of six months, after which the detainee shall be released without having to give a guarantee, provided only that he makes a sworn commitment to fulfil the obligation".

232. During the two years of application of this law, many people under the obligation to provide aid entered detention centres and left them after six months without fulfilling their obligations, as there were no mechanisms for guaranteeing the children their rights.

233. The severe criticism levelled against this provision led to the promulgation of another law which states that if the obligor does not pay within the stipulated period, the judge, at the request of a party or *ex officio*, shall order the seizure of his goods in order to discharge the debt 72/.

234. Although the measure provides a certain amount of flexibility and security, large numbers of children are still suffering because in order to evade their responsibilities many dishonest parents assign their goods to third persons or register the goods in their name.

235. With this latest amendment, family aid that remains unpaid accrues legal interest at the rate of 6 per cent per annum and the measure establishing it is not definitive, being subject to an automatic percentage increase as wages, salaries and rents rise.

236. It should not be overlooked that this law, which also contains general provisions to expedite civil proceedings, was promulgated on 28 February 1997 and entered into force on publication, except for the section corresponding to family aid procedures because, in the transitional provisions, it grants a "legal holiday of three months", for which there is no precedent in the legal system and thanks to which it only recently entered into force, on 1 June of this year.

237. It is the responsibility of the Offices for the Defence of Children and Adolescents to encourage the signature of voluntary family aid agreements between parents and, if that fails, to instigate the appropriate judicial proceedings.

238. One of the main difficulties with enforcing this right is the lack of recognition and registration of the birth since this is the principal requirement for going to court. The fear of having to pay leads fathers to deny paternity where children are born out of wedlock or of free or *de facto* unions, circumstances in which, by law, for the child to be registered and receive a birth certificate it must first be recognized in the presence of two witnesses.

239. This difficulty does not arise in the case of children born within wedlock who to be registered, irrespective of whether the parents are living together or separated, need only the family identity card or marriage certificate, which can then be used to apply for family aid.

72/ Law No. 1760, article 70.

G. Children deprived of a family environment

240. Where there is no family of origin, the Juvenile Code establishes four types of alternative care: detention, custody, guardianship and adoption.

H. Adoption

241. Under Bolivian law there are two types of adoption: simple adoption and outright adoption ("arrogacion").

242. Simple adoption is for persons between 0 and 18 years old who may retain the names of their biological parents even if the latter object and all their rights and duties, although the adoptive parents have parental authority. This procedure is not subject to privacy, the applicants must be at least 25 years old and at least 15 years older than the candidate for adoption, and must be married, single or living together as man and wife. Simple adoption can be revoked when the physical, moral or mental well-being or the patrimony of the adopted child or the adoptive parent are compromised.

243. Outright adoption is confined to children between 0 and 6 years old whose ties with the family of origin have been completely broken. The adopted child must take the name of the adoptive parents who must be over 25 and married and must have married before the child was born. The proceedings are completely private.

244. In international adoptions only outright adoption is allowed.

245. Prior to the promulgation of the present Code there was no legal provision relating to intercountry adoptions. This gave rise to a series of irregularities and arbitrary decisions since one administrative body was supplying children to foreign families after abandonment had been declared under an administrative procedure. Because of this situation Bolivia now has a considerable number of incomplete cases of intercountry adoptions with no provision for post-adoption follow-up.

246. It was the Juvenile Code of 1992 which first prohibited so-called independent adoption by providing that all procedures should be conducted through properly accredited international intermediary institutions, endorsed by the government and backed by letters of intent. For these letters to be signed the foreign organizations must fulfil such requirements as:

- be an organization competent in the field of adoptions;
- have giving priority to the best interests of the child and its integral development as fundamental objectives;
- submit country of origin legislation which ensures the protection of the child and is compatible with the Bolivian legislation.

247. Intercountry adoption has the same effects as outright adoption. The adopted children retain their nationality, although they may acquire that of the adoptive parents, and the intermediary institutions are responsible to the judge for post-adoption follow-up, at the times specified in the judgement.

248. All adoption proceedings, whether domestic or intercountry, must be conducted before the juvenile judge, who alone is competent to grant or deny the application, and with the participation of the representative of the government procurator's office and the child protection agency. The judge's decision may be appealed in the district high court.

249. Despite these legal provisions, "...certain irregular practices, which often involve illegal procedures, have led to the persistent and constant violation of children's rights and, what is worse, those children who were supposed to be protected have been exposed..." 73/, since there have been illegal departures of children from the country and irregular proceedings 74/ and since children placed in institutions have been illegally supplied to Bolivian and foreign families by administrative authorities 75/.

I. Periodic review of placement

250. The Code defines two types of placement, one of which seeks to provide social protection by placing the child in a home or child care centre, while the other corresponds to the implementation of a socio-educational measure and involves deprivation of liberty as a consequence of an offence.

251. In the first case, the centres must preserve family ties and, if there are none, encourage integration into an alternative family, provide care on a personalized or small-group basis, avoid breaking up groups of brothers and sisters and share in the life of the local community.

252. The only authority competent to order placement in a child care centre is the juvenile judge, although exceptionally and in emergencies the centre may take in children without a prior order of the court, in which case notification must be given, without fail, within 24 hours.

253. None of these provisions are being implemented, in the first case generally for lack of resources and, in the second, for lack of supervision. The juvenile judges are not informed of the situation of the children in these child care centres. This neglect goes much further when children who are candidates for adoption lack a court order of declaration of abandonment which deprives them of the possibility of being placed in an alternative family.

254. There is no provision specifying a regular review of placement, except for the powers of the juvenile judge weekly to inspect, for himself or through commissions appointed for the purpose, police premises and establishments for the protection, care and re-education of juveniles.

73/ S. Soto Rios, "Hacia una real proteccion del derecho a la familia y convivencia comunitaria" in Respeta Nuestro Derechos, 1996, p. 37.

74/ Ibid., pp. 38-40.

75/ See the newspaper Presencia, 14 June 1997.

255. For their part, the Offices for the Defence of Children and Adolescents must "know the situation of children and adolescents in public or private institutions and, where appropriate, instigate the administrative or judicial action necessary to defend their rights" 76/.

256. Placement involving deprivation of liberty is considered under the corresponding heading.

J. Abuse and neglect

257. Maltreatment is dealt with only in the Juvenile Code which defines it as:

(a) failure to provide adequate food, clothing, housing, education or health care when in possession of the economic means to do so;

(b) rough treatment which could inflict physical or mental injury on the child;

(c) school discipline that does not respect the child's dignity and/or physical well-being;

(d) exploiting the child or allowing others to use him or her for profit;

(e) employment in work that is prohibited or liable to deprave or places the life or health of the child at risk;

and requires that it be reported to the Office for the Defence of Children and Adolescents, the government procurator's office or directly to the juvenile judge. The first of these, in addition to initiating judicial proceedings, must take any measures necessary to protect the child.

258. Another piece of legislation offering protection against maltreatment is the Law against Family or Domestic Violence which deals specifically with acts of violence in the family when parents, guardians or those with custody of the child place his or her physical or mental well-being at risk, although this legislation is basically intended to help women since it has as its objective the reconciliation of the couple, which cannot be appropriate in the case of maltreatment of children and adolescents.

259. The Penal Code establishes a general classification of injuries and grades them according to seriousness and days of incapacity in accordance with the pathologist's report. Since with children and adolescents the assessment cannot be related to inability to work, the Juvenile Code specifies that the pathologist must assess each case by taking into account the age of the child and the seriousness of the physical or psychological injury and determine the period of impairment in terms of the child's own activities, a measure which is not being implemented.

76/ Supreme Decree 24447.

260. Sexual offences are dealt with in the Penal Code and the fact that the victim is a minor constitutes an aggravating circumstance.

261. Given the high recorded levels of maltreatment in the country, which constitute a social phenomenon of considerable magnitude with serious consequences, a National Committee Against the Maltreatment of Children was established as a coordinating body made up of government and non-governmental agencies and international cooperation organizations. This committee was to create a network system that would make possible an integrated approach to the problem of the maltreatment of children. So far, it has only been able to initiate an awareness campaign through the media.

262. The abandonment of children under 12 is punishable with imprisonment. This also applies to the mother who, for the sake of her good name, abandons her newborn child and to persons who, despite having a duty to do so, fail to render assistance to a child that has been abandoned or is exposed to serious and imminent danger 77/.

263. There is no law or policy designed to ensure the physical and psychological recovery or social reintegration of children who are victims of maltreatment or wrongdoing.

264. As far as the maltreatment of children is concerned, progress has been slight since the dimensions and characteristics of the problem are only just beginning to be recognized. According to a recent study by the Under-Secretariat of Generational Affairs 78/, 7 out of 10 children and adolescents say that as methods of correction their parents employ reprimands, shouting, refusal of permission to go out and insults, i.e. forms of psychological maltreatment. At the same time, as Table 21 shows, 6 out of 10 children and adolescents are physically maltreated.

77/ Penal Code, article 278.

78/ "Percepcion de los Derechos y Maltrato Infantil". Survey of children from 10 to 12 and adolescents from 13 to 18 in the cities of the central corridor in two contexts: school and workplace.

Table 21

Physical maltreatment of children and adolescents in the home

Type of physical maltreatment	%
None	40
Belt/strap	18
Ear-pulling	11
Sticks/stones	6
Slapping	6
Hosepipe/rope	5
Kicking	5
Pinching	4
Punching	3
Knives/other	2
Total	100

Source: Under-Secretariat of Generational Affairs.

265. Most of those maltreated in the home (79 per cent) consider, however, that punishment is a good thing because it teaches them something, is intended for their betterment and makes them think, which strongly suggests that they themselves will similarly maltreat their own children when they grow up. Where maltreatment is concerned, the mother is the main culprit (48 per cent).

266. At school, psychological maltreatment is the most common since 9 out of 10 students experience it "at least sometimes" in the form of punishments, shouting, ridicule, expulsion or abuse. As Table 22 shows, where physical maltreatment is concerned, 5 students out of 10 are affected. Their teachers are generally responsible but to some extent their fellow students as well.

Table 22

Physical maltreatment in schools

Type of physical maltreatment	%
None	48
Hand smacking	15
Ear-pulling	15
Making to kneel	6
Other	4
Belt or strap	3
Kicking	3
Punching	3
Slapping	2
Hosepipe	1
Total	100

Source: Under-Secretariat of Generational Affairs.

XI. BASIC HEALTH AND WELFARE

267. The Juvenile Code establishes the rights to life and health, as well as imposing upon the State the obligation to guarantee and protect those rights with "...social policies which ensure decent conditions for the gestation, birth and integral development of children" 79/.

A. Children with disabilities

268. A specific law has been promulgated guaranteeing everyone with a disability training, rehabilitation, prevention and equality of opportunity, as well as integration into the employment, education, health, social security and integrated rehabilitation systems in accordance with chronological age and aptitudes and entry into specialized establishments, with the possibility of applying to State welfare offices to obtain admission. This is a general law, except for two articles relating to children, and does not establish any specific State, community or family obligations with respect to the rights of children or adolescents with disabilities such as, for example, a requirement that schools of the formal education system admit disabled children.

269. The principles of the Juvenile Code mark a significant advance by establishing that any child who is physically or mentally impaired has the right to receive special care and attention in order that he or she may enjoy a full life and participate, with dignity, in the activities of the community. To ensure that this is so, the Code requires the State to develop and coordinate prevention, treatment and rehabilitation programmes, makes the community and the family responsible for seeing to it that the rights of children with disabilities are respected and obliges everyone to report cases of disabled children not receiving proper care.

270. So far, no awareness campaigns or actions have been organized nor have any public services specialized in caring for such children been created, except for a few which are overstretched and lack the necessary resources.

B. Social security and day-care centres

271. Social security is not universal and covers only those who are in dependent employment and receive a wage or salary. The aim of social security is to provide workers and their families with protection in the form of sickness, maternity, personal risk, invalidity, old age and death benefits 80/. The same Act also makes provision for family allowances for natality and breast-feeding up to the first birthday and enables the children of the insured to receive benefits up to the age of 18, irrespective of whether they were born in or out of wedlock.

272. Despite the existence of legal provisions which stipulate that children under the guardianship of the State in institutions, homes or hostels must receive free health care, according to the church institutions and those

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79/ Juvenile Code, articles 15 to 26.

80/ Social Security Act, article 3.

belonging to the National Coordinating Office for Work with Children and Adolescents this is not the case.

273. Other provisions which are not respected are those of the General Labour Act and its Regulatory Decree which require enterprises employing more than 50 workers to have creche or day-care facilities and bear all the costs. In some cases, where this service is provided, the parents must pay for it.

XII. EDUCATION

A. Aims of education

274. According to the Constitution, education is the highest function of the State. The promulgation of the Educational Reform Act was based on this principle. The Act considers education to be "a right of the people and an instrument of national liberation" and accordingly requires the State to uphold it, stipulating that it shall be free, universal and compulsory at the primary level.

275. Among the principles and purposes it is also stated that education must be intercultural, bilingual and democratic and must promote fairness and social justice and encourage the independence, creativity, sense of responsibility and critical faculties of the children 81/.

276. This Act establishes the following objectives for education: ensuring the sound and continuing training of human resources; reorganizing the national education system to improve its quality; improving quality and efficiency so as to meet the needs of the community; offering additional self-study options; establishing an intercultural and participatory education system; achieving the democratization of the service and supporting the institutional and curricular reform of higher education.

B. Leisure, recreation and cultural activities

277. These rights are recognized, for the first time in Bolivia, in the Juvenile Code, which places the municipalities and the government under the obligation to encourage and facilitate the allocation of human and material resources, to make room for cultural programmes of active and passive recreation for juveniles, and to require public and private sports establishments to provide juveniles with free facilities 82/.

81/ Educational Reform Act, article 1.

82/ Juvenile Code, articles 129 and 130.

XIII. SPECIAL MEASURES

A. Refugee children

278. There is no provision for refugee children.

B. Children affected by an armed conflict

279. Nor is there legislation to protect children affected by an armed conflict, which does not mean that Bolivia has not experienced situations with harmful consequences for children. Thus, during the confrontations which occurred in the coca-producing areas in the course of police action to eradicate the coca plant, children and adolescents were maltreated, unlawfully detained, prevented from attending school, etc. and in 1996 there was even an instance in which a baby died.

280. A similar situation arose in December of the same year (1996) at a mining centre in Potosi where, regrettably, as a result of clashes between the miners and the police a 15-year-old boy died 83/.

C. Children in conflict with the law

1. Administration of justice

281. The age of criminal liability being fixed at 16, the ordinary law applies to persons who at the time of the offence were 16 or older. Thus, the administration of justice is different for different age groups.

(a) Children and adolescents under 16 in conflict with the law(not criminally responsible)

282. Up to the end of 1996, despite the reformulation of the Juvenile Code and the fact that, for the first time, this Code gave the juvenile judges sole competence for hearing, conducting and deciding proceedings relating to juveniles, the processing and application of socio-educational measures, including confinement or deprivation of liberty for offenders who were not criminally responsible, were functions of the child protection services, an administrative agency responsible to ONAMFA. Despite the intention to adapt the provisions of the Juvenile Code to the Convention, in this instance there was a violation of the constitutional guarantees, both individual and procedural.

283. The situation was redressed by a law promulgated in July 1996 84/ which made the juvenile judge competent to hear all cases in which a child or adolescent committed an offence, misdemeanour or contravention; this transfer of competence took place without being accompanied by a special pre-established procedure for hearing such cases, which is why, pending the amendment of the present Code, the juvenile judges are applying the procedures for ordinary adult proceedings.

83/ Report of the Human Rights Assembly.

84/ Law No. 1702.

284. It should also be pointed out that because the Code does not differentiate among "juveniles" and its measures are applicable, on the one hand, to all those who have not reached the age of 21 and, on the other, to those for whom the age of criminal liability is 16, at present the judge can and must hear the cases of juvenile offenders who may be not just 15 but even as young as 7 years old and apply the measures laid down, that is to say cases are being tried in court when a social or psychological approach and/or treatment would be more appropriate.

(b) Adolescents and young people over 16 and under 21 in conflict with the law

285. These cases are heard in the ordinary courts. The individual and personal guarantees for persons in this age group are laid down in the Constitution, the Code of Penal Procedure and the Law on the Execution of Punishments. In addition, the Juvenile Code provides special protection such as obliging the criminal court judges who hear these cases not to pronounce sentence before receiving a biological, psychological, sociological and pedagogical report on the juvenile and prohibiting the publication of oral, printed or written information about proceedings in which juveniles are involved. These provisions are not being respected, since the media not only report cases but individualize and portray the juvenile in conflict with the law.

286. In accordance with the Sworn Surety Act, for adolescents aged from 16 to 18 deprivation of liberty is only appropriate if the offences with which they are charged carry a penalty of deprivation of liberty for more than five years.

2. Children deprived of their liberty, including any form of detention, imprisonment or placement in custodial settings

287. Despite the fact that the law requires the operation of specialized centres for the implementation of socio-educational measures (for those not criminally responsible) and for the serving of sentences involving deprivation of liberty (for the criminally responsible), no such centres exist and in the places of confinement the rights and guarantees of the inmates are not respected. Criminally responsible adolescents are serving their sentences in institutions intended for adults.

288. Despite all legal protection and safeguards, the police maintain the custom of detaining children and adolescents in the course of sweeps, supposedly in fulfilment of plans to protect the public, under such euphemisms as "protecting society" or "cleaning up the streets", in which they indiscriminately pick up children and adolescents whom they "suspect of an offence" or consider to be "vagabonds" or "badly looked after". These sweeps are usually carried out on holidays or at weekends. Those detained in these circumstances are sent to police stations where they usually remain in cells shared with adults for several days or months, without being charged or prosecuted. In most cases, during their arbitrary detention they do not receive any sort of legal guidance, still less the assistance of a lawyer.

289. In the detention centres the admission and stay of adolescents are not subject to any classification or selection criteria as regards the use of dormitories, accommodation, etc. appropriate to their age, individual problem, type of offence or recidivism. Thus, in these centres adolescents, whether

innocent or guilty of offences, encounter drug addicts, vagrants, those committed directly by their parents for misconduct, children who have gone astray and those with some sort of mental disability.

290. In the case of female children and adolescents, apart from the situations described, they are almost certain to have been victims of sexual abuse on the part of their captors or others.

291. In accordance with the rules of ordinary justice, criminally responsible young people should have the benefit of individual and procedural guarantees. In practice, especially at the time of detention, these are disregarded, because they are also detained arbitrarily for investigation purposes and are usually held in the police station for more than the 48 hours laid down in the Constitution. During this first phase of detention they are generally subjected to physical and psychological maltreatment, which may extend to torture.

292. Investigations show that there are in the country ten 15-year-old adolescents who, though not criminally responsible, have been subjected to adult justice and have been imprisoned together with adults, in clear disregard for the law.

293. As far as rights in connection with the serving of sentences are concerned, criminally responsible young people sent to adult prisons do not receive any guidance, still less any protection from the dangers of these places. In male prisons they are not allocated a cell and have to find a place for themselves, since in the prisons cells are sold or rented; in these circumstances the young people suffer every kind of exploitation and abuse.

3. Physical and psychological recovery and social reintegration of the child

294. There is no support and no programme or professional service for children deprived of liberty that would promote their psychological recovery.

295. The Juvenile Code seeks to apply socio-educational measures for the purpose of social reintegration. Unfortunately, the conditions in the juvenile detention centres are such that there are no programmes for enabling social reintegration to be achieved.

296. Moreover, although in the case of offences committed by those who are not criminally responsible the law provides for socio-educational measures in which the pedagogical aspects take precedence over any other consideration, this remains purely theoretical since none of the centres or courts have an interdirciplinary team capable of providing the guidance and professional treatment required in each case.

297. In the case of criminally responsible young people there is no basis for social reintegration, although the law says that there should be special institutions for this age group and that they should be separated from adults and offered social rehabilitation programmes. Unfortunately, these provisions are not being implemented either, as the prisons are too overcrowded. In prisons designed for 400 adult inmates it is now possible to find more than 1500 inmates, including both adults and young people. It is difficult to imagine a social reintegration programme being undertaken in such circumstances.

D. Economic exploitation of children, including child labour

298. The Juvenile Code makes specific provision for the protection of working juveniles, whether in dependent employment or self-employed, in the areas of health, social security, education and labour rights. According to the Code, juveniles may not work in dangerous places or be expected to assess the danger themselves and, in general, may not be employed in any activity which places their life, health or well-being at risk, is liable to deprave or involves loss of dignity.

299. In 1992, despite these express legal prohibitions, there were 569,000 working children and adolescents. Of these, 138,000 were unpaid family workers and the rest were working for wages, mainly in the rural areas (62 per cent) and to a lesser extent in the urban areas (38 per cent) 85/.

300. In Bolivia, the real minimum wage has risen slowly but steadily since 1991 (in 1996 it was Bs 9.5 higher than in 1991) and the same applies to the real average private-sector wage which in the same period increased by Bs 81.4 86/.

301. There are no tabulations specifically for working juveniles but UDAPSO has estimated that visible unemployment for pre-adolescents and adolescents between 10 and 19 years of age is as follows: 10.8 per cent in the Altiplano region, as compared with 8.8 per cent among men and 13 per cent among women; 6.5 per cent in the valleys, as compared with 6.2 per cent for men and 6.8 per cent for women; and, finally, 6.9 per cent in the plains, as compared with 9.9 per cent for men and 4.4 per cent for women.

302. Thus, working juveniles not only have unemployment rates that exceed the national average but also have more marginal jobs which generate incomes so low that they are equivalent to higher unemployment rates.

303. Moreover, the sector referred to in the census data as the "special group" (domestic servants, apprentices and unpaid family workers) is mainly made up of children and adolescents who are the lowest paid workers in the country.

304. In fact, the second most important branch of activity employing children and adolescents is domestic service in private households (95 per cent are women of whom 4 per cent are young adolescents (10 to 12 years old) and 51 per cent adolescents (13 to 18 years old)) 87/. The working conditions of this group normally prevent them from attending or finishing school and at the same time offer them no opportunities for receiving on-the-job training since the activities in which they are employed do not generally require much in the way of qualifications.

85/ The data include children up to 10 years of age and unpaid family workers.

86/ Baldivia, op. cit.

87/ Ibid.

305. The only educational opportunity for working children and adolescents is that offered by the night schools and colleges which are expensive to run, inefficient and have few students per teacher-room-staff. In the main cities there are 315 night schools and colleges (all state-run), distributed as shown in Table 23, which in 1992 had 57,798 students (62 per cent men and 38 per cent women). Almost all (98 per cent) offer instruction in the humanities, despite the fact that their students are workers. They include only two technical and two semitechnical colleges. The majority (65 per cent) are located in the city centre 88/.

Table 23

Night schools

City	Basic	Intermediate	Secondary	Total
El Alto	10	5	3	18
La Paz	25	23	21	69
Cochabamba	19	19	15	53
Santa Cruz	25	49	33	107
Oruro	7	7	12	26
Sucre	5	5	4	14
Potosi	7	6	6	19
Tarija	2	3	4	9
Total	100	117	98	315

Source: Gottret, del Granado and Soliz.

306. Nearly a third (31 per cent) of the students are enrolled in Santa Cruz. Most are aged between 15 and 18, which shows that, in general, they are not following the course of study appropriate to their age. Moreover, the quality is lower than in day schools because of the problems of the basic-grade teachers in relating to young people with work experience, the absenteeism of teachers and students and the difficulties of working adolescents in coping with assignments, progression and attendance. As a result, there is more retaking of courses 89/.

E. Sexual exploitation and sexual abuse

307. These are offences under the Penal Code 90/, it being deemed to be an aggravating circumstance if the victim is under the age of puberty or the perpetrator is a relative or the victim is in his custody.

308. Although these offences carry a heavy penalty, in most cases it is not applied and if the person abused is over the age of puberty the Code itself

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88/ Gottret, del Granado and Soliz.

89/ Baldivia, op. cit.

90/ Articles 308, 309 and 310.

provides for the possibility of the offender going unpunished if he marries the victim.

309. In addition, under the Sworn Surety Act, if the accused is deprived of liberty for more than 18 months, reckoned from the time of detention, and sentence has not been passed in the court of first instance, he must be released immediately under sworn surety, notwithstanding that such surety is inappropriate in the case of serious offences punishable by deprivation of liberty for more than two years. Inexplicably, this provision is applied to cases of rape and, on the basis of the Act, the judges who try these cases grant provisional liberty to the perpetrators of the offences without taking any other consideration into account, so that in Bolivia most cases of rape and sexual abuse go unpunished. According to the awareness campaign to eradicate maltreatment, which the government is currently conducting, three out of ten children and adolescents suffer sexual violence.

310. The corruption of juveniles and procuring in general are public order offences, it being considered an aggravating circumstance if the victim is under 17.

311. Except for that mentioned above, there has been no campaign to prevent the sexual exploitation or sexual abuse of children and adolescents.

F. Sale, trafficking and abduction

312. The penal law punishes with one to three years imprisonment anyone who removes a juvenile under the age of 16 from the authority of his or her parents or guardians and anyone who detains a juvenile against his or her will. The same applies to cases of abduction in general.

313. Trafficking in children and adolescents is not a statutory offence. This is blocking a number of prosecutions in various Bolivian cities where it has been discovered that children are being sold, supposedly for adoption, and three children have been found in a "fattening-up house". Despite the fact that the press published all this information and brought the cases to the attention of the competent authorities, because the offence is not on the statute book and for other reasons, the proceedings have come to nothing 91/.

314. Other complaints are also being heard, such as the sale of Bolivian children for 5,000 and 10,000 dollars. Moreover, during the period from 1993 to 1996, according to the Criminal Investigation Service, 40 cases of kidnapping and abduction were tried 92/.

315. For some time past, the theft of newborn infants from the maternity centres themselves has been on the increase 93/.

91/ Soto Rios, op. cit., p. 41.

92/ Presencia, 14 June 1997.

93/ Ibid., 24 July 1997.

G. Children belonging to a minority or an indigenous group

316. The Constitution recognizes and guarantees the particularities of minorities and/or ethnic groups. It also states that all Bolivians enjoy the rights, freedoms and guarantees recognized by the Constitution without distinction as to race, sex, language, religion, political opinion, origin, economic or social condition, or any other. This forms the basic principle of educational reform which, in its turn, proposes that the national identity be strengthened by extolling the historico-cultural values of the nation and that the children of these groups begin their schooling in their mother tongue which is considered to be their first language, Spanish being their second.

XIV. GENERAL CONCLUSION

317. In general, the situation of Bolivian children and adolescents has evolved favourably in two respects. On the one hand, the country has made progress in defining ever more precise policies with the emphasis on integration and, on the other, has succeeded in significantly reducing the "soft" indicators of poverty, i.e. those that will respond to cheap and easily accessible technologies. These indicators relate mainly to mortality and the provision of basic services.

318. However, the country is still having serious difficulty in reducing the "hard" indicators, i.e. those which relate to structural phenomena such as employment, income and the distribution of wealth. Efforts to narrow regional, social and ethnic differences are also encountering problems.

319. It is undeniable that during the review period the country has made substantial qualitative progress in giving effect to the rights of children and adolescents. However, not everything necessary and sufficient has been done to ensure that the entire child and adolescent population achieves integral development under conditions of equality, fairness, respect, freedom and dignity.

320. A new Juvenile Code has been promulgated, together with many other laws which, in addition to transforming the executive and administrative apparatus of the State, seek to implement a new concept of human development. Although these laws have indirectly favoured the age group in question, they have also affected the Code itself, worsening the gaps and contradictions present in this body of law from the outset, thereby creating a dangerous situation for children and adolescents.

321. Nor can the fact be ignored that within the context of human development the government has implemented policies and services whose planned objectives have still not been achieved. There still remains a long way to go. As will be appreciated, national actions and strategies are not guided by the principles of "children first" and "the best interests of the child". Moreover, in most sectors and civic contexts children are still not recognized as persons with rights, freedoms and duties, and blows, ridicule and various forms of maltreatment are still being used as a method of teaching and instilling discipline. All this, added to poverty and the lack of regulation of the mass media, is creating an attitude of adult xenophobia towards the new generations.

322. It has been seen that laws, albeit imperfect, do exist but are being disregarded because of the lack of means of coercion and enforcement, because the people and even the authorities are almost totally unaware of the requirements of these laws and the Convention itself and because of a lack of political will.

323. As described above, in the face of this situation and in order to create a body of law that would constitute an effective instrument for defending and protecting children and adolescents and their rights, an interinstitutional commission has drawn up a draft Children and Adolescents Code with the following characteristics:

(a) comprises a body of law, fully consistent with the principles of the Convention, which regulates the country's entire universe of children and adolescents without discrimination of any kind, thereby overcoming the stigmatization of so-called "juveniles";

(b) obliges society and the State to provide the protection, prevention and special attention necessary to ensure the integral development of all children and adolescents;

(c) requires that integral development take place under conditions of freedom and dignity;

(d) specifies the use of the term "nina" (female child), in accordance with the principle of equality;

(e) establishes competence with regard to the person, fixing it at 18, distinguishes between children under 12 and adolescents from 12 to 18 inclusive as individual subjects of law in order to define certain aspects of protection and prevention in accordance with the stage of development reached by each group 94/.

324. As previously noted, the commission which drew up this draft was presided over by the Vice-Presidency of the Republic and consisted of representatives of the executive and legislative powers and non-governmental organizations. In spite of this, it was not debated in Parliament and was not even placed on the agenda of the legislature. At present, we are in a period of transition. This August will mark the beginning of a new period of government and a new parliament. It is hoped that the new authorities will be predisposed to approve the draft.

94/ Presentation and explanation of the draft Children and Adolescents Code.